

**DEPARTMENT OF PLANNING
STAFF REPORT**

Date of Hearing: April 15, 2014

PLANNING COMMISSION PUBLIC HEARING

SUBJECT: ZMAP-2012-0006, Waterside
SPEX-2012-0008, Increase Maximum FAR from 0.60 to 0.83 in PD- OP
SPEX-2012-0011, Automotive Service Station in PD-IP
SPEX-2012-0017, Restaurant with Drive-through in PD-CC-CC
SPEX-2012-0054, Fire and Rescue Station in PD-TC

ELECTION DISTRICT: Broad Run

CRITICAL ACTION DATE: June 10, 2014

STAFF CONTACTS: Judi Birkitt, Project Manager, Department of Planning
Julie Pastor, AICP, Director, Department of Planning

APPLICANT: Edward J. Hoy, President, Chantilly Crushed Stone

PURPOSE: Chantilly Crushed Stone seeks to rezone 335 acres from I-1 (Industrial) and PD-RDP (Planned Development – Research and Development Park) under the 1972 Zoning Ordinance and R-1 (Single Family Residential) under the Revised 1993 Zoning Ordinance to PD-TC (Planned Development – Town Center), PD-OP (Planned Development – Office Park), PD-IP (Planned Development – Industrial Park), PD-H4 (Planned Development – Housing), PD-H6 (Planned Development – Housing), and PD-CC(CC) (Planned Development – Commercial Center (Community Center)). The application seeks to convert the existing quarry pit into a lake and redevelop the property as a Mixed Use Office Center that would contain up to 354 townhomes at up to 6.3 dwelling units per acre, up to 2,110 multi-family residential units or residential units over first floor commercial uses, and up to 3,970,000 square feet of non-residential uses.

RECOMMENDATION: Staff recommends **denial**. Staff is aware that the Applicant is at a business decision point with respect to the quarry operation and trying to determine whether to continue quarrying or explore opportunities to redevelop the subject property. This application proposes a significant departure from the type of development envisioned in the Route 28 Corridor Plan that the Board adopted in 2011. The fundamental issue is that the application heavily focuses on mixed-use development and stand alone residential communities, whereas the Route 28 Corridor Plan envisions significant office

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and employment generating uses without residential development.

Staff recommends and encourages the Applicant to resubmit a development proposal that is more in keeping with the Route 28 Corridor Plan. Should the Planning Commission wish to consider the rezoning and find that further work could be needed on the recently adopted Route 28 Corridor Plan, it is recommended that the Planning Commission reopen the public process and initiate a Comprehensive Plan Amendment (CPAM), and that the Applicant place this proposal on hold pending the outcome of such CPAM.

SUGGESTED MOTIONS:

1. I move that the Planning Commission forward ZMAP-2012-0006, SPEX-2012-0008, SPEX-2012-0011, SPEX-2012-0017, SPEX-2012-0054, Waterside, to the Board of Supervisors with a recommendation of **denial** based on the Findings for Denial in the April 15, 2014 Planning Commission Public Hearing Staff Report.

OR

2. I move that the Planning Commission forward ZMAP-2012-0006, SPEX-2012-0008, SPEX-2012-0011, SPEX-2012-0017, SPEX-2012-0054, Waterside, to a **worksession** for further discussion.

OR

3. I move an alternate motion.

I. APPLICATION INFORMATION	
APPLICANT Chantilly Crushed Stone Edward J. Hoy, President 703-471-4461	REPRESENTATIVE Cooley Godward Kronish, LLP Molly M. Novotny, Senior Land Use Planner 703-456-8105 mnovotny@cooley.com
REQUEST An application to rezone approximately 335.12 acres from the I-1 (Industrial) and PD-RDP (Planned Development–Research and Development Park) zoning districts under the <u>1972 Zoning Ordinance</u> and the R-1 (Single Family Residential) zoning district under the <u>Revised 1993 Zoning Ordinance</u> to the PD-TC (Planned Development–Town Center), PD-OP (Planned Development–Office Park), PD-IP (Planned Development–Industrial Park), PD-H4 (Planned Development–Housing), PD-H6 (Planned Development–Housing), and PD-CC (CC) (Planned Development–Commercial Center (Community Center)) zoning districts in order to develop up to 354 single family attached dwelling units at a density of up to 6.3 dwelling units per acre, and up to 2,110 multi-family dwelling units and 3,970,000 square feet of non-residential uses at a collective overall Floor Area Ratio (FAR) of up to 0.48. Applications for special exceptions to: 1) permit a Restaurant, with Drive-Through Facilities, in	

the proposed PD-CC (CC) zoning district; 2) to increase maximum FAR from 0.60 to 0.83 within a portion of the proposed PD-OP zoning district; 3) to permit an Automotive Service Station in the proposed PD-IP zoning district; and 4) to permit a Fire and/or Rescue Station in the proposed PD-TC zoning district. These applications are subject to the Revised 1993 Zoning Ordinance and the proposed uses are listed as Special Exception uses and increase in maximum FAR is permitted by Special Exception under Sections 4-204(B)(9), 4-306(C), 4-504(Q), and 4-804(B)(13), respectively.

The applicant is also requesting the following modifications of the Zoning Ordinance (ZO):

<u>Zoning Ordinance Section</u>	<u>Proposed Modification</u>
ZO §4-205(C)(1)(b), Lot Requirements, Yards, Adjacent to Roads, Community Center (CC).	To reduce the minimum yards for buildings and off-street parking along any road right-of-way, exclusive of Davis Drive (Route 868), Shaw Road (Route 636), and Old Ox Road (Route 606), from 35 feet to 10 feet within the proposed PD-CC (CC) zoning district.
ZO §4-205(C)(2), Lot Requirements, Yards, Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses	To reduce the minimum yards for buildings and off-street parking adjacent to any agriculture districts, any existing or planned residential district, or land bays allowing residential uses from 100 feet to 40 feet within the proposed PD-CC (CC) zoning district.
ZO §4-305(B)(1) Lot Requirements, Yards, Adjacent to roads.	To reduce both the minimum 35-foot yard for buildings and 25-foot yard for off-street parking along any road right-of-way, exclusive of Davis Drive (Route 868), Shaw Road (Route 636), and Old Ox Road (Route 606), to 10 feet within the proposed PD-OP zoning districts.
ZO §4-305(B)(2), Lot Requirements, Yards, Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses.	To reduce the minimum yard for buildings adjacent to any agricultural district, any existing or zoned residential district, or land bay allowing residential uses from 50 feet to 40 feet within the proposed PD-OP zoning district.
ZO §4-306(B), Building Requirements, Building Height.	To increase the maximum building height from 60 feet to 100 feet without any additional building setbacks within the proposed PD-OP zoning district.
ZO §4-505(B)(1), Lot Requirements, Yards, Adjacent to roads.	To reduce both the minimum 35-foot yard for buildings and 25-foot yard for off-street parking along any road right-of-way, exclusive of Davis Drive (Route 868), Shaw Road (Route 636), and Old Ox Road (Route 606), to 10 feet within the proposed PD-IP zoning district.
ZO §4-505(B)(2), Lot Requirements, Yards, Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses.	To reduce the minimum yard for buildings adjacent to any agricultural district, any existing or zoned residential district, or land bay allowing residential uses from 75 feet to 40 feet within the proposed PD-IP zoning district.
ZO §4-802, Size, Location, and Components.	To increase the maximum size of a PD-TC zoning district from 60 acres to 96 acres; to permit a PD-TC zoning district to be served by a minor collector; and to permit a PD-TC

	zoning district to be located within 10,000 feet of another PD-TC zoning district.
ZO §4-805(F)(1), Lot Requirements, Other yard requirements, Adjacent to roads.	To reduce both the minimum 35-foot setback for buildings and 25-foot setback for parking along any road right-of-way, exclusive of Davis Drive (Route 868), Shaw Road (Route 636), and Old Ox Road (Route 606), to 10 feet within the proposed PD-TC zoning district.
ZO §4-806(B) Building Requirements, Building Height.	To increase the maximum building height from 60 feet to 200 feet within the Town Center Core, and from 40 feet to 120 feet within the Town Center Fringe, without any additional building setbacks, within the proposed PD-TC zoning district.
ZO §4-807(A), Land Assembly Requirements.	To increase the maximum size of the Town Center Core of the proposed PD-TC zoning district from 20 acres to 40.4 acres.
ZO §4-807(B), Land Assembly Requirements.	To increase the maximum distance from one boundary of the Town Center Core to the farthest boundary from 1,200 feet to 1,800 feet within the proposed PD-TC zoning district.
ZO §4-807(C), Land Assembly Requirements.	To increase the maximum distance from one boundary of the entire PD-TC zoning district to the farthest boundary from 2,500 feet to 3,800 feet.
ZO §4-808(C), Land Use Arrangement and Use Limitations.	To eliminate the requirement that each block within the PD-TC zoning district include an alley.
ZO §5-900(A)(8)(a) and (b), Building and Parking Setbacks from Roads, Route 606.	To reduce both the minimum 100-foot building setback and 75-foot off-street parking setback to 35 feet along Route 606 within the proposed PD-IP and PD-OP zoning districts.
ZO §5-900(A)(10)(a) and (b), Building and Parking Setbacks from Roads, Other Major Collector Roads.	To reduce the minimum building setback along Innovation Avenue from 75 feet to 35 feet within the proposed PD-TC zoning district; to reduce the minimum building setback along Davis Drive from 75 feet to 20 feet within the proposed PD-IP, PD-CC (CC), PD-H4, and PD-H6 zoning districts; to reduce the minimum off-street parking setback along Davis Drive from 35 feet to 20 feet within the proposed PD-CC (CC), PD-H4, and PD-H6 zoning districts.
ZO §5-900(A)(11)(a) and (b) and (12)(a) and (b), Building and Parking Setbacks from Roads, All other roads in Non-residential Districts and All other roads in Residential Districts.	To reduce the minimum building setback and off-street parking setback along other roads within the proposed PD-TC, PD-IP, PD-OP, PD-CC (CC), PD-H4, and PD-H6 zoning districts to 10 feet.
ZO §5-1003, Effect of Buffer	To permit the construction of one (1) new building within the Scenic Creek Valley Buffer within the proposed PD-TC zoning district.
ZO §5-1303(A)(1), Canopy Requirements, Site Planning.	To permit the minimum 10 percent tree canopy requirement to be calculated based on each land bay, rather than by lot or site, within the proposed PD-IP, PD-OP, PD-CC (CC),

ZO Tables 5-1414(A) and 5-1414(B) of §5-1414, Buffer Yard and Screening Matrix.		and PD-TC zoning districts.		
		To modify all minimum buffer yard widths to be consistent with the requested yard and setback modifications within the proposed PD-TC, PD-IP, PD-OP, PD-CC (CC), PD-H4, and PD-H6 zoning districts.		
PARCELS/ACREAGE				
TAX MAP NUMBER	PIN	ACREAGE	ADDRESS	OWNERSHIP
/94/////////33A	035-45-7809	8.55	N/A	Chantilly Stone Inc. Crushed
/94/////////73A	035-46-3732	4.0	23232 Shaw Road, Sterling, Virginia	Chantilly Stone Inc. Crushed
/94/////////73/	035-36-7950-001	36.16	23266 Shaw Road, Sterling, Virginia	Chantilly Stone Inc. Crushed
/94/////////72/	035-47-1864	60.93	N/A	Chantilly Stone Inc. Crushed
/94/////////64/	034-26-8917	10.83	23070 Shaw Road, Sterling, Virginia	Chantilly Stone Inc. Crushed
/94/////////66/	034-17-4699	11.35	N/A	Chantilly Stone Inc. Crushed
/94//16/////////2/	034-18-2177	3.27	N/A	Chantilly Stone Inc. Crushed
/94/////////69/	034-18-6467	4.87	N/A	Chantilly Stone Inc. Crushed
/94/////////71/	034-18-0714-001	14.93	N/A	Chantilly Stone Inc. Crushed
/94/////////70A	035-48-4264-001	9.25	N/A	Chantilly Stone Inc. Crushed
/94/////////70/	035-49-1986	36.75	N/A	Chantilly Stone Inc. Crushed
/95/////////88/	034-19-5778	12.05	45865 Old Ox Road, Sterling, Virginia	Chantilly Stone Inc. Crushed
/94/////////84/	035-48-6938-001	8.2	N/A	Chantilly Stone Inc. Crushed
/94/////////61/	034-38-9287	107.23	N/A	Chantilly Stone Inc. Crushed
/94/////////65/	034-17-4646	5.71	N/A	FEA Properties LLC
/94/////////71A	034-18-0464	1.04	N/A	Chantilly Stone Inc. Crushed
ACCEPTANCE DATE May 23, 2012		LOCATION North and south sides of Old Ox Road (Route 606), on the east side and east of Shaw Road (Route 636) and Sully Road (Route 28), on the north side, and north, of Innovation Avenue (Route 209), and west of Rock Hill Road (Route 605)		
ZONING ORDINANCE 1972 and Revised 1993		EXISTING ZONING I-1 (Industrial) 1972 Zoning Ordinance PD-RDP (Planned Development–Research & Development Park) 1972 Zoning Ordinance		

	R-1 (Single Family Residential) Route 28 Taxing District FOD (Floodplain Overlay District) partially AI (Airport Impact) Overlay District, outside of but within one (1) mile of the Ldn 60 aircraft noise contour QN (Quarry Notification) Overlay District-Loudoun Quarry and Loudoun Note Area
POLICY AREA Suburban (Sterling Community)	PLANNED LAND USE Route 28 Core uses at a recommended FAR of 0.6 to 1.0 for Office Clusters (a portion of the Route 28 Core uses is designated for Mixed-Use Office Centers at a recommended FAR of 1.0 to 1.5), and for Route 28 Business uses at a recommended FAR of 0.4 to 1.0.

II. CONTEXT

Location/Site Access – The subject property is located on both sides of Old Ox Road (Route 606), on the north side of Realigned Innovation Avenue (Route 209), east of Sully Road (Route 28), and west of Rock Hill Road and the Town of Herndon and Fairfax County lines. The total subject property consists of 16 parcels and 335 acres. Old Ox Road bisects the subject property with the 108-acre “Centennial Site” located on the north side. Fifteen (15) parcels totaling 225 acres comprise the “Quarry Site”, south of Old Ox Road. Shaw Road (Route 636) provides access to the northwest corner of the Quarry Site, and Old Ox Road provides access to the Centennial Site.

Existing Conditions – The entire subject property lies within the Quarry Notification (QN) Overlay District and the Route 28 Tax District. Except for the northeastern corner of the Centennial Site, the subject property lies within the Airport Impact (AI) Overlay of the Washington Dulles International Airport, outside of but within one (1) mile of the Ldn 60 aircraft noise contour.

The “Quarry Site” contains the active quarry operation, which consists of a 54-acre quarry with a 350-foot deep pit, stone stockpile area, truck and equipment storage, and maintenance facilities. A network of gravel roads and ramps provides access throughout the Quarry Site. An established asphalt plant occupies leased space in the southwestern portion of the Quarry Site. The southeastern portion of the subject property has recently been used as a staging area for construction of the Innovation Avenue interchange. The southern portion of the Quarry Site lies within the Floodplain Overlay District with major floodplain and wetlands associated with Horsepen Run. Minor floodplain and wetlands are found along the east side of the Quarry Site. Existing utilities on the Quarry Site include private wells, private septic, and pump and haul tanks.

The “Centennial Site” is unimproved and heavily wooded with scattered wetlands areas and minor floodplain. Overhead electric lines traverse the Centennial Site’s eastern property line.

Figure 1. Existing Conditions.



Quarry Operations



Aerial View of Quarry Operations



Existing Quarry "Pit"



Existing Asphalt Plant

Surrounding Properties – On the north side of Old Ox Road, surrounding properties include predominantly established and approved warehouse and flex industrial uses to the west, north, and east. Zoning to the north and west is primarily PD-IP (Planned-Industrial Park); zoning to the east is largely PD-GI (Planned Development – General Industry). To the northeast are townhomes (zoned PD-H4, Planned Development - Housing) and to the southwest are convenience store with gas pumps and fast food uses.

On the south side of Old Ox Road, surrounding properties to the north include PD-GI property used for self-storage and U-haul rental and a vacant parcel. Properties to the east, which are zoned PD-GI and R-1, include established flex-industrial uses, scattered single-family residences and vacant residential properties along Rock Hill Road, and established residential subdivisions in Fairfax County the Town of Herndon. The unimproved Dulles 2000 property lies to the west. Dulles 2000 (ZMAP-1987-0031) remapped 28 acres from PD-IP and PD-GI to PD-RDP in order to develop up to 800,000 square feet of research and development uses at a 0.64 FAR (Floor Area Ratio). Dulles World Center (ZMAP 2008-0018, approved March 2011, as amended by ZCPA-2012-

0002 on January 15, 2014) lies to the south and on the south side of Innovation Avenue. Zoned PD-OP and PD-TC, Dulles World Center is approved for up to 4 million square feet of non-residential uses (3,279,500 square feet of office, 400,000 square feet of commercial retail, and 350,000 square feet of hotel uses) and up to 1,265 multi-family residential dwellings.

Figure 2. Vicinity Map.



Directions - From Leesburg, take Leesburg Pike (Route 7) east to Sully Highway (Route 28). Merge onto Route 28 south. Take Route 28 south to Old Ox Road (Route 606) east towards the Town of Herndon. To view the Centennial Site, continue east on Old Ox Road, beyond Shaw Road (Route 636); the wooded Centennial Site is situated on the left,

across from the self storage facility. To enter the Quarry Site, turn right (south) onto Shaw Road then immediately left into the quarry entrance.

Background - According to the Statement of Justification, Chantilly Crushed Stone has operated Loudoun Quarries at its current location for more than fifty (50) years and now finds itself at a decision point where it must consider whether to continue quarrying and expand the diameter of the quarry pit or cease mining operations and redevelop the property.

The Centennial Site is governed by ZMAP-1988-0003, Centennial Dominion, which remapped approximately 113 acres from R1 to PD-RDP. The approved development plan allows for up to 1.75 million square feet of research and development, flex industrial, hotel, and restaurant uses. Approximately 7.5 acres in the northeast corner of Old Ox Road and Shaw Road was removed from the original Centennial Dominion ZMAP in 1995 (Dulles Gateway Commercial Center, ZMAP-1994-0007) and has since developed as a convenience store with gas pumps and fast food.

Public Comments – The Applicant advised Staff that Chantilly Crushed Stone began meeting with individual surrounding property owners approximately two (2) years ago. Several members of the public have expressed concerns to Staff regarding the Waterside application.

- Flex-industrial and warehouse property owners to the north and west of the Centennial Site have met with Staff to express concerns that locating residences next to their established PD-IP uses would have a negative economic impact on their businesses.
- A property owner with frontage on the south side of Old Ox Road has met with Staff and expressed concern that the proposed Davis Drive alignment would bisect his property and jeopardize its PD-GI development potential.
- Dulles 2000 (ZMAP-1987-0031) has met with Staff and expressed opposition to the proposed Shaw Road alignment, because it would provide the future PD-RDP development minimal Shaw Road access. Dulles 2000's approved CDP depicts Shaw Road frontage along the entirety of its property with three (3) Shaw Road access points.
- Multiple property owners of residential properties located east and southeast of the Quarry Site have met with Staff and expressed objections to the proposed on-site alignment of Davis Drive, as it would dictate the future off-site alignment across their properties. The property owners want to maintain useable land bays while minimizing wetlands impacts.

Town of Herndon Comments – The Mayor of the Town of Herndon, on behalf of the Town Council, provided two letters to the Board of Supervisors in response to the Waterside application (Refer to Attachment 1m). Concerns and recommendations include: (1) Herndon Fire Station, about two miles away, would provide the fastest response time for the proposed development in contrast to the Sterling Fire Station. (2) Remove the Town Center or at a minimum integrate it with Dulles World Center, (3)

Mitigate traffic impacts upon Herndon, (4) Mitigate sound impacts on Sterling Road adjacent to single-family residential units in the Herndon boundaries between the Rock Hill Road intersection with Sterling Road/Ox Road and the intersection of Herndon Parkway and Sterling Road, (5) Waterside residents might use Herndon's ball fields and parks, and (6) Construction traffic on the Town of Herndon's roads. The Applicant met with the Town of Herndon on June 23, 2013, to discuss the Waterside proposal. Staff checked with the Town of Herndon on March 25, 2014, and the comments in the two letters to the County still stand.

Fairfax County Comments – Fairfax County Park Authority and the Department of Transportation provided comments (See Attachment 1n). The primary concern is that Waterside's residents and workers would exacerbate Fairfax County Park Authority resources. The Park Authority recommends that Loudoun County use a portion of the proffered 42-acre public use site for active recreation uses.

III. PROPOSAL

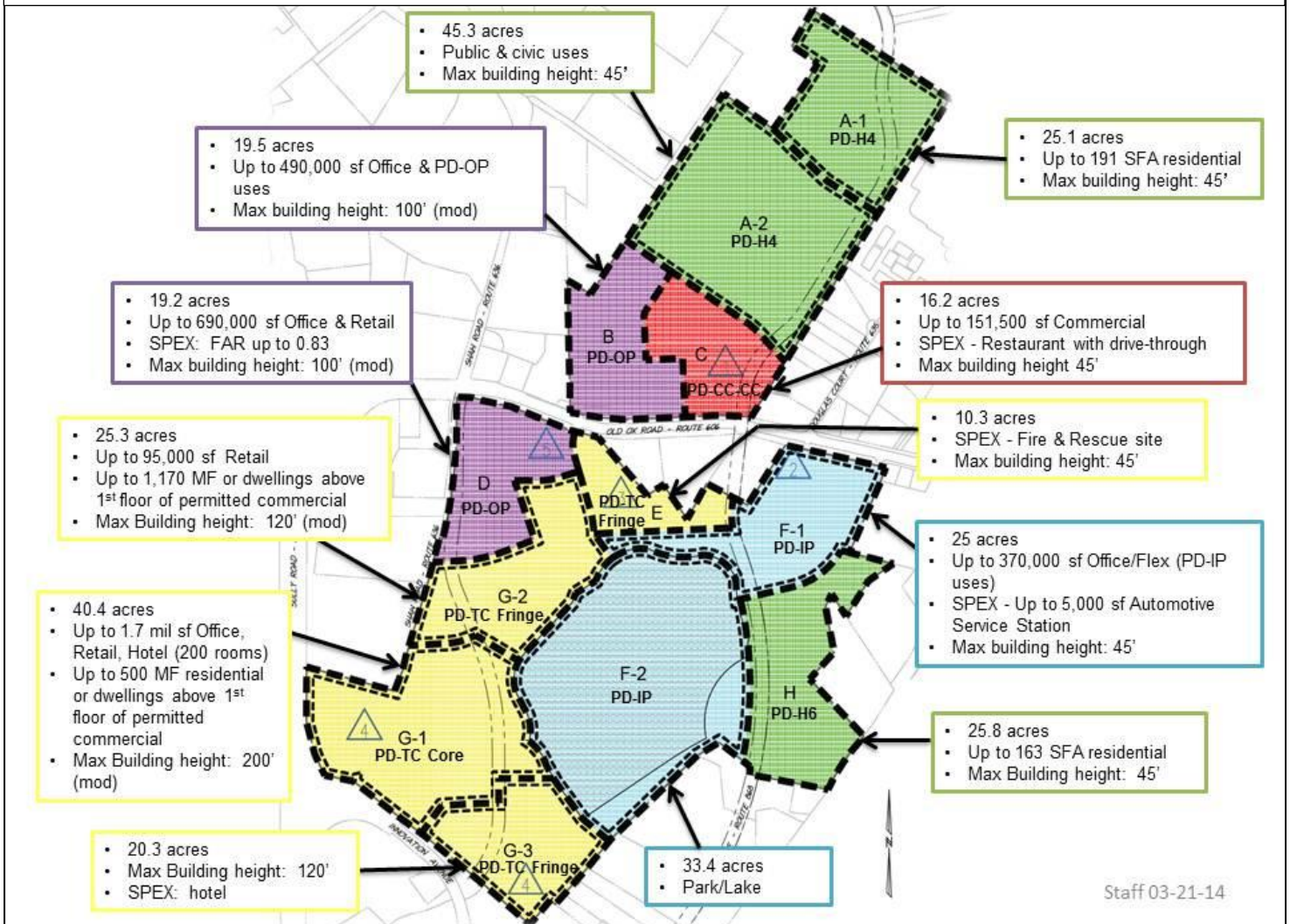
Zoning Map Amendment Petition – The application seeks to rezone the subject property from the I-1 (Industrial, 1972 Zoning Ordinance), PD-RDP (Planned Development–Research and Development Park, 1972 Zoning Ordinance), and R-1 (Single Family Residential, Revised 1993 Zoning Ordinance) zoning districts to the following zoning districts in order to redevelop the subject property as a Mixed Use Office Development: PD-TC (Planned Development – Town Center), PD-OP (Planned Development – Office Park), PD-IP (Planned Development – Industrial Park), PD-H4 (Planned Development – Housing), PD-H6 (Planned Development – Housing), and PD-CC(CC) (Planned Development – Commercial Center (Community Center)). The collective Floor Area Ratio (FAR) for the mixed-use portion of the project (excluding the 354 single-family attached units) would be 0.48.

The development potential of the proposed Waterside project (Centennial Site and Quarry Site) is as follows:

Table 1. Proposed Development Program.	
Land Use	Maximum Development Potential
Single-family Attached Residential	354 units
Multi-family Residential and/or Dwellings above 1st floor commercial in PD-TC	2,110 units
Office	2,455,000 SF
Office/Flex	370,000 SF
Commercial	461,000 SF
Hotels	350,000 SF
Civic	318,500 SF
Total Residential Including 296 Unmet Housing Needs Units	2,464 units
Total Nonresidential	3,954,500 SF

The exhibit below provides a summary of the proposed land use arrangement into 12 land bays and 7 zoning districts.

Figure 3. Staff's Summary of Applicant's Proposal



Source: Staff annotations on Applicant's CDP (December 18, 2014), Sheet 7.

Generally, the application seeks to develop the one hundred (100) acres that are situated on the north side of Old Ox Road (the "Centennial Site") into four (4) distinct areas, requiring three (3) zoning districts:

- **PD-H4 (Planned Development–Housing)** – The application seeks to rezone the northernmost 70 acres to PD-H4 in order to develop a 25-acre residential land bay (Land Bay A-1) consisting exclusively of up to 191 single-family attached dwelling units. The Applicant proffers to convey the remaining 45 PD-H4 acres, south of the residential land bay, to the County for public and civic uses of the County's choice.

- PD-CC (CC) (Planned Development–Commercial Center (Community Center)) – The application requests to rezone approximately 16 acres along the Old Ox Road frontage in order to develop up to 151,000 square feet of commercial uses in Land Bay C. According to Sheet 12 of the Concept Development Plan (CDP), such uses would include either a one-story drive-through restaurant or a by-right bank on at the northwest corner of Davis Drive and Old Ox Road. The request includes the necessary Special Exception for a Restaurant with Drive Through Facilities, with a building up to 6,500 square feet and associated minimum required seventy-five (75) parking spaces.
- PD-OP (Planned Development–Office Park) – This application's approach to addressing the Route 28 Core policies of the Revised General Plan is to locate two PD-OP land bays in the western portion of the subject property, at the corners of Shaw Road and Old Ox Road. The request proposes approximately 19 acres and 490,000 square feet of PD-OP uses on the Centennial Site and an additional 19 acres and 690,000 square feet of office uses at an increased FAR of 0.83 on the Quarry Site. For both PD-OP districts, maximum proposed building heights are one hundred feet (100') without requiring additional setbacks, pending approval of a special exception proposed with this application

On the south side of Old Ox Road, according to the Applicant's Statement of Justification, the Applicant's vision is to convert the quarry into a 54-acre lake that would serve as the proposed development's centerpiece and recreational amenity. Five zoning districts are proposed for the Quarry Site:

- PD-TC (Planned Development –Town Center) approximately 96 acres and consisting of a PD-TC Core and a PD-TC Fringe - West of the lake, closest to Route 28 and Innovation Avenue, the application proposes a town center with a mix of office, retail, hotel, and multi-family residential uses. The proposed PD-TC Fringe includes a proffered 10-acre fire and rescue station site north of the lake.

As proposed, the area east of the lake would be divided into two distinct areas:

- PD-IP (Planned Development–Industrial Park) - The development proposal includes an approximately 93-acre PD-IP zoning district, which would consist of a 54-acre lake (Land Bay F-2/converted quarry and open space) and approximately 25 acres on the south side of Old Ox Road (Route 606) and the east side of extended Davis Drive that would be devoted to up to 370,000 square feet of flex-industrial uses (Land Bay F-1) and, pending approval of a special exception included with this application, a 5,000-square foot Auto Service Station.
- PD-H6 (Planned Development–Housing) – The second area proposed east of the lake would be a residential area (Land Bay H) containing up to 163 single-family attached dwelling units; the land bay would extend to Rock Hill Road.

Two key transportation improvements proposed with this application include widening Shaw Road through the Quarry Site, and constructing Davis Drive from its current

terminus at the northern end of the Centennial Site to the southern end of the Quarry Site, which would be built both north and south of Old Ox Road on the subject property.

Development Phasing - Per the Statement of Justification, development north of Old Ox Road is anticipated first and would occur following the extension of Davis Drive through the Centennial Site. Four proffered phases are summarized in the table below.

Table 2. Proffered Development Phasing.					
	Phase 1A	Phase 1B	Phase 2	Phase 3	Total (excluding public/civic)
Nonresidential	641,500 SF	932,500 SF	1,093,000 SF	960,000 SF	3,627,000 SF
Residential	191 units	1,000 units	1,110 units	163 units	2,464 units

Special Exceptions – This application includes four (4) special exception requests:

Table 3. Summary of Proposed Special Exceptions.			
Special Exception Number	Request	Land Bay	Acreage or Square Feet
SPEX-2012-0017	To allow a Restaurant, with Drive-through Facilities in the PD-CC(CC) zoning district.	Land Bay C	Up to 6,500 sf building
SPEX-2012-0008	To increase the maximum FAR from 0.60 to 0.83 in Land Bay D of the PD-OP zoning district.	Land Bay D	19.2 acres of land
SPEX-2012-0011	To allow an Automotive Service Station in the PD-IP zoning district.	Land Bay F- 1	Up to 5,000 sf building
SPEX-2012-0054	To allow a Fire and/or Rescue Station within the Town Center Fringe in the PD-TC zoning district.	Land Bay E	Up to 18,5000 sf building on 10 acres

Revised 1993 Zoning Ordinance Modifications – The application contains requests for twenty (20) modifications to the Revised 1993 Zoning Ordinance. The modifications generally pertain to increasing the maximum size of a Town Center Core in the proposed PD-TC zoning district, eliminating the distance requirements between Town Centers within the proposed PD-TC zoning district, reducing the minimum required building and parking setbacks adjacent to residential uses or adjacent to roads, locating a building within the Scenic Creek Valley Buffer, and increasing maximum building heights without requiring additional building setbacks. Staff provides an evaluation of the zoning modifications under the Zoning Analysis section of this staff report.

IV. OUTSTANDING ISSUES AND ANALYSIS

Zoning Map Amendment Petition (ZMAP) Criteria for Approval - Zoning Ordinance Section 6-1210(E) of the Revised 1993 Zoning Ordinance states that if an application is for a reclassification of property to a different zoning district classification on the Zoning Map, the Planning Commission shall give reasonable consideration to six (6) factors or criteria for approval. These criteria for approval are organized below by category, followed by Staff's analysis.

Special Exception (SPEX) Criteria for Approval - Zoning Ordinance Section 6-1309 of the Revised 1993 Zoning Ordinance states that in considering a minor special exception or special exception application, six (6) factors shall be given reasonable consideration. These criteria for approval are organized below by category, followed by Staff's analysis.

Given the fundamental land use policy conflict and the scale of this project, this Staff Report does not address this application's full range of detailed outstanding issues. These more detailed topics are discussed in the attached referrals. Should the Planning Commission direct staff to proceed with this application, significant additional work would be needed between the Applicant, Staff, and the Planning Commission to address the more detailed outstanding issues, such as development phasing, transportation phasing, environmental impacts, open space, civic space, bicycle/pedestrian circulation, unmet housing needs, site design, design guidelines, shuttle bus service timing, and highway noise. The Proffer Statement is not complete with respect to mitigation of impacts; numerous discrepancies exist between the Concept Development Plan (CDP) and the Proffer Statement. Further, any consideration of approval would require developing Conditions of approval for all four (4) special exceptions.

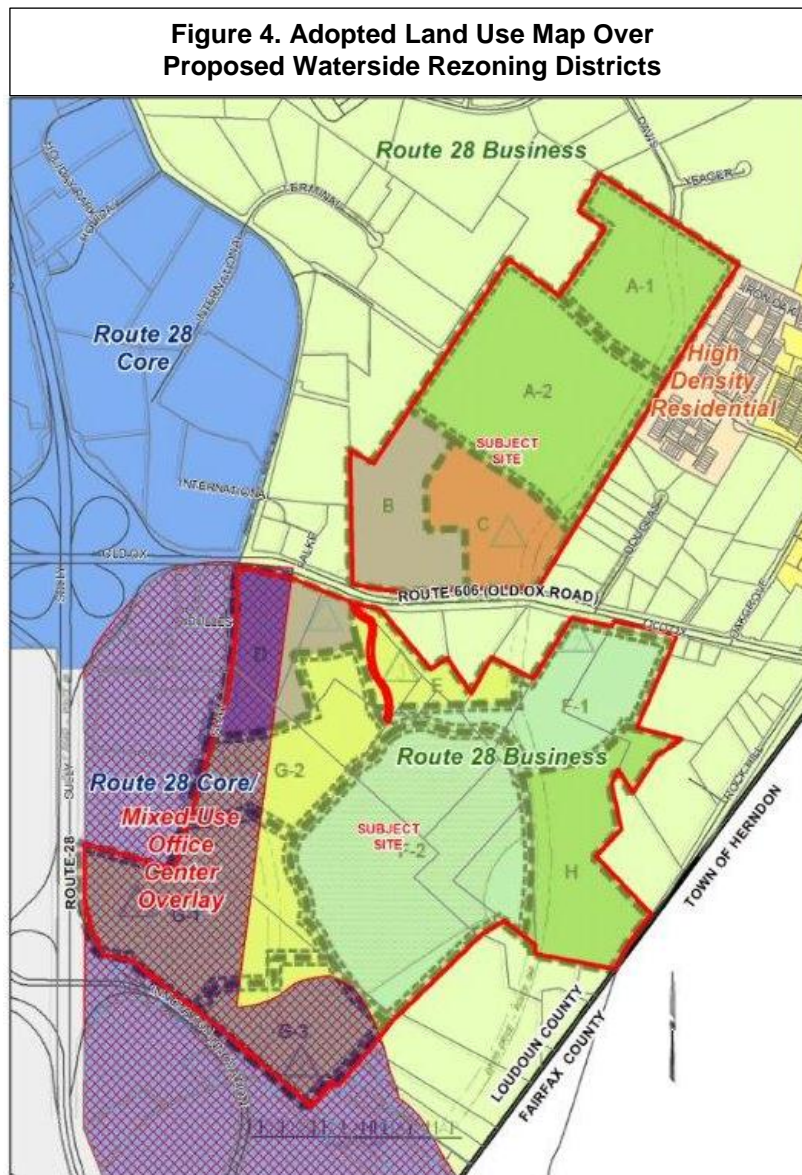
A. LAND USE ISSUES

ZO §6-1210(E)(1) Appropriateness of the proposed uses based on the Comprehensive Plan, trends in growth and development, the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies and the encouragement of the most appropriate use of land throughout the locality. **ZO §6-1309(1)** Whether the proposed minor special exception or special exception is consistent with the Comprehensive Plan. **(5)** Whether the proposed special exception at the specified location will contribute to or promote the welfare or convenience of the public.

ISSUES – There are two fundamental land use policy issues in that the proposal implements neither the Route 28 Core nor the Route 28 Business designations, both of which strictly prohibit residential uses. Route 28 Core areas are high-quality, high-employment generating, high intensity office developments. Route 28 Business developments consist of low to mid-density office and flex uses. Supportive commercial retail and services uses within both Route 28 Core and Route 28 Business areas are limited to 10% of the floor area. Neither Route 28 Core nor Route 28 Business areas include a residential component. (3) A third issue pertains to the proposed hotel uses: (a) The application does not include analysis to demonstrate sufficient market demand to add two hotels to the Route 28 corridor, and (b) Proffers do not guarantee that the development would actually include a full service hotel.

ANALYSIS

1. **Route 28 Core Policies** - Rather than propose high-employment generating premier office uses along the portion of the subject property that lies within the Route 28 Core and closest to Route 28, the application seeks approval of a Mixed-Use Office Center that includes up to 2,100 multi-family residential units. The Applicant has cited the Mixed-Use Office Center Overlay as the justification for proposing a mix of uses and residential development. Accordingly, the Concept Development Plan depicts the proposed mixed-use town center (PD-TC district) in the area generally mapped with the mixed-use overlay. The proposal to add a second mixed-use office center, 96 acres in size, at the southern portion of the Route 28 Corridor is inappropriate according to the County's adopted Comprehensive Plan.



Staff recognizes that 64 acres of the 335-acre subject property fall within the mixed-use office overlay. However, the Land Use Map and the land use policy text must be applied together. The mapped mixed-use overlay depicts a general area where the Mixed Use Office Center should be developed. The policy designates the southern gateway of the Route 28 Corridor as suitable for one Mixed-Use Office Center, of at least 50 acres but no more than 90 acres. Dulles World Center (ZMAP-2008-0018) is the County's approved 60-acre mixed-use center at the southern portion of the corridor.

The Mixed-Use Office Center Policies in the Route 28 Corridor Plan allow additions to an existing Mixed-Use Office Center on a case-by-case basis, provided that the addition adheres to explicit integration guidance. The submitted Design Guidelines and Proffer Statement clearly indicate that Waterside's intention is to be a separate distinct community that is not integrated with Dulles World Center. If Waterside did integrate fully into Dulles World Center, that would extend the approved Mixed Use Office Center to Old Ox Road, resulting in a 156-acre town center, which far exceeds the 50 to 90 acres designated in the Route 28 Corridor Plan as appropriate for this southern portion of the corridor.

2. **Route 28 Business Policies** – The application seeks approval of large quantities of residential on the part of the subject property that is designated for Route 28 Business. The proposed application seeks to rezone approximately 96 acres to the PD-H4 and PD-H6 zoning districts in order to develop two residential land bays containing only residential uses—up to 354 townhomes. These residential land bays would be in addition to the 2,110 multi-family residential units or residential units over first floor commercial uses that are proposed in lieu of the high-generating employment uses that the Route 28 Corridor Plan has designated for closest to Route 28. The 96 acres includes seventy (70) acres on the Centennial Site that is currently zoned PD-RDP and approved for office, hotel, and research and development uses. The currently approved uses would be consistent with the Route 28 Corridor Plan.

Further, the entire 335-acre subject property is located within the Route 28 Tax District. The Revised General Plan precludes residential development within this portion of the Route 28 Tax District as a means to preserve the ability of the district to generate revenue from commercial development that is earmarked for Route 28 roadway improvements.

For informational purposes, the following table compares Waterside's proposed residential with key approved residential projects on the Route 28 Corridor.

Table 4. Comparison of Approved Residential in Route 28 Corridor			
	SFA Units	MF Units	TOTAL Units
Proposed Waterside	354	2,110	2,464
Dulles World Center	0	1,265	1,265
Dulles Town Center	0	1230	1230
Kincora Village Center	0	1,400	1,400

The proposal to locate a fourth mixed use office center and two stand alone residential communities on the subject property conflicts with the Route 28 Corridor Plan, which is a relatively recent amendment to the Revised General Plan. A goal of the recent amendment was to explore adding opportunities for additional residential development with the Route 28 Corridor. During the public process, the Planning Commission and Board of Supervisors held lengthy deliberations on the size, number, and location of Mixed-Use Office Centers. Two of the common themes in both discussions and the justification for approving the policies in the Route 28 Corridor Plan focused on the capital facilities and school impacts of additional residential development as well as the erosion of potential commercial development in the Route 28 Tax District.

3. **Hotel Uses** - The development program includes up to two hotels within the Town Center. Each hotel would contain a minimum of 175 rooms. One would be located along the Route 28 frontage and the other along the Innovation Avenue frontage. Pending approval of a modification included with this application, the hotels could be up to 200 feet in height.

At issue is that the application does not include analysis to demonstrate sufficient market demand to add two hotels to the Route 28 corridor, as is required by Revised General Plan policy. At a minimum, Staff recommends a statement describing the catchment or market area to be served and an analysis of the existing and proposed competing projects to determine if this site is a suitable location for two more hotels. The intent of this policy is to ensure that additional hotels are viable in the long-term and do not lead to an oversaturation of the market and an excess of total hotels in relation to the population served.

While hotels are encouraged in the Route 28 Corridor, especially south of Sterling Boulevard, according to the Office of the Assessor and GIS records, there are 23 existing hotels in the vicinity of the subject property (inside and outside of Loudoun County) within a 6 mile radius of the Dulles International Airport.

Table 5. Approved and Existing Hotels in Loudoun County within 6 Miles of Dulles International Airport			
	Approved	Built	Features
Dulles 28 Center	2	1	Conditioned to have restaurant and meeting space.
Paragon Park	1	0	Conditioned to have restaurant and meeting space.
Loudoun Station	Not Specified	0	Hotels can be built as part of Land Use Mix
Moorefield	Not Specified	0	Hotels can be built as part of Land Use Mix
Broadlands South	1	0	No conditions about restaurant and meeting space.
Kincora	2	0	One conditioned to be full service.
Sheraton/ Route 50	1	constructing	By-right Hotel
Dulles World	1	0	Proffered to be full service

Within that same radius, there are approximately 9 hotels located in Fairfax County along the Dulles Toll Road, and 2 hotels located on Route 28 in Fairfax County south of the airport. Two of those would be considered full service with both restaurants and meeting space.

Waterside's second hotel issue pertains to the clear designation of one of the two hotels as a full service hotel. Within the Route 28 Core, where the two hotels would be located, destination full-service hotels are encouraged. Destination hotels are defined as containing at least 200 rooms and facilities that include conference/meeting facilities, restaurants, and various guest services and amenities. The hotels should be mid-priced to luxury full-service hotels. Of the existing hotels within a 6-mile radius of the Dulles International Airport in and outside of Loudoun County, only one is a full service hotel, offering approximately 17,000 square foot of meeting space and a sit down restaurant. In Waterside's current Proffer Statement, the definition of "full-service" hotel ("*. . .a range of services and amenities, which may include, but is not limited to, a restaurant, room service, concierge service, and accessory meeting room/conference center space.*") does not guarantee that the development would actually include a full service hotel as defined in the Revised General Plan or the Revised 1993 Zoning Ordinance.¹

B. COMPATIBILITY ISSUES

ZO §6-1210(E)(2) *The existing character and use of the subject property and suitability for various uses, compatibility with uses permitted and existing on other property in the immediate vicinity, and conservation of land values. ZO §6-1309(2)* *Whether the level and impact of any noise, light, glare, odor or other emissions generated by the proposed use will negatively impact surrounding uses. (3)* *Whether the proposed use is compatible with other existing or proposed uses in the neighborhood, and on adjacent parcels.*

ISSUES - There are three key compatibility issues associated with the overarching land use conflict: (1) Different phases of quarry reclamation would create incompatible on-site land uses, (2) Different stages of converting the quarry pit into a lake could result in the "lake" being an eyesore or safety hazard in the interim or potentially long-term, and (3) The proposed residential zoning districts are incompatible with adjacent established flex-industrial and warehouse land uses, as well as with proposed on-site adjacent PD-IP uses.

¹Hotel, Full-service to include a sit-down restaurant, meeting space, and at least two of the following in house services: exercise room, room service, or concierge service. (§4-1359 (C)4.A.)

Hotel, Full-service. Multi-story, hotels with a minimum of 200 rooms that are targeted to business and/or leisure travelers and include large meeting facilities of 10,000 square feet or greater or are combined with a convention center, and contain amenities, including one or more restaurants, bell and valet service, room service, concierge service, 24-hour front-desk service, business services, spa service, fitness center and recreational/entertainment facilities (§4-3000. Definitions for Route 28 Corridor Regulations).

ANALYSIS

1. **Quarry Reclamation and Development Phasing** - Since the fulfillment of existing quarry contracts and site preparation blasting would occur simultaneously with development of the construction and occupation of proposed uses, incompatible land uses would exist on-site during the quarry reclamation process. For example, office and flex-industrial buildings could be occupied on the south side of Old Ox Road within Land Bays D and F1 with no limitations based on quarrying activities. The application does not appear to adequately address noise, dust, buffering, and screening between the uses during the transitioning of uses. For example, how would the site preparation blasting sound to the occupants of the new office buildings? What measures would be taken to address dust? Would the reclamation activities appear as a noticeable industrial activity for the building occupants? Would truck volume associated with reclamation be similar to current quarrying activities?

Staff appreciates the Applicant's efforts to begin linking the development of different Land Bays to quarry reclamation stages. Should the Planning Commission decide to proceed with the proposed land use change, further discussion is needed regarding this topic.

Table 6. Applicant's Proffered Development Limitations Linked to Quarry Reclamation	
Land Bay	Proffered Limitations
A, B & C (all property north of Old Ox Rd)	No limitation on permits, construction activity or occupancy permits in these land bays
D, E & F-1 (along south side of Old Ox Rd)	No limitation on permits, construction activity or occupancy permits in these land bays
G-1, G-2, G-3 & H (west and east of quarry)	Begin no vertical construction in these land bays until: 1. Installing fencing around the quarry perimeter per the Virginia Department of Mines, Minerals, and Energy regulations.
G-1 (Town Center abuts Rt. 28)	Receive no occupancy permits in this land bay until: 1. Completing "site preparation blasting", 2. Extending Shaw Road to Innovation Avenue, and 3. Closing asphalt plant.
G-2 & G-3 (Town Center Shaw Rd & Innovation Ave.)	Receive no occupancy permits in these land bays until: 1. Completing site preparation blasting, and 2. Extending Shaw Road to Innovation Avenue.
H (residential east of quarry)	Receive no occupancy permits in this land bay until: 1. Completing site preparation blasting.
Proffer III. D.	

2. **Negative Visual Impacts of the Quarry** – Staff questions the viability of the lake and the amount of time that would need to elapse for the recreational vision of that lake to be realized. Staff questions the usability of the 1.5 mile trail surrounding the lake as a recreational amenity until the pit is filled with water. It is difficult to evaluate the

recreational benefits of the proposed lake without more definitive information to demonstrate its feasibility and viability. How long will it take the quarry to fill with water? What if it doesn't fill with water naturally? Given the nature of the proposal, which highlights the quarry as the development's focal point and recreational amenity, such details are critical to understanding the practicality of the proposal. Otherwise, the conversion of the quarry pit into a lake could result in the decommissioned quarry pit appearing as an eyesore or it could present safety hazards to residents and employees in the interim or potentially long-term.

Based on the draft Proffer Statement, Staff has developed the following table to summarize the proffered steps of converting the existing quarry to a lake.

Table 7. Applicant's Proffered Reclamation Process	
Step	Trigger
Step 1 - Commence "site preparation blasting" to stabilize the quarry.	Prior to the opening of Phase II of the Metrorail Silver Line for passenger service and shall extend no longer than 24 months from such opening.
Step 2 - Cease "active quarrying activities".	Upon the opening of Phase II of the Metrorail Silver Line for passenger service.
Step 3 - Commence the process of shutting down quarry operations, stabilizing the quarry for its closure, and decommissioning the quarry in accordance with all applicable federal, state, and local regulations.	Following the opening of Phase II of the Metrorail Silver Line for passenger service
Step 4 - Commence "quarry reclamation activities": <ol style="list-style-type: none"> 1. Filling the quarry with clean fill from the bottom up, 2. Compacting the layers of clean fill, 3. Providing an adequate foundation for Davis Drive through the Property. 4. Smoothing the edges of the quarry rim, 5. Fencing the quarry perimeter, 6. Testing the soil for any environmental contamination, 7. Sealing the quarry, and 8. Undergoing inspections by the Virginia Department of Mines, Minerals, and Energy. 	During site preparation blasting but no later than 30 days of providing the County written notice of completing site preparation blasting. Clean fill - debris and materials including dirt, brick, rock, concrete, and stone, but excluding asphalt.
Step 5 - Complete "quarry reclamation activities" & Decommission the Quarry	Reclamation activities shall be considered complete when the foundation for Davis Drive through the subject property is adequate. The Applicant shall provide written notification to the County 3 business days of the completion of the process to decommission the quarry.
Step 6 - Create the Lake	When the Applicant deems the reclaimed quarry area safe, sufficiently filled with water, and suitable for recreational uses.

Proffer VIII. A.

3. **Residential Adjacent to Flex-Industrial** – The proposed residential zoning districts are incompatible with adjacent established flex-industrial and warehouse land uses, as well as with the proposed on-site adjacent PD-IP (Planned Development – Industrial Park) zoning district.

The application proposes to locate a residential land bay (A-1) containing up to 191 townhomes adjacent to established light to heavy industrial uses to the west and planned Route 28 Business uses to the north. Many of these existing uses comply with the Route 28 policies while other uses predate those policies. This proposed PD-H4 zoning district would be surrounded by uses such as A1 Auto Repair and Sunbelt Equipment Rentals on Douglas Court as well as the Victory Van Corporation moving company and associated trucking operations on Terminal Drive. Some of these property owners have conveyed concerns to Staff that locating residences adjacent to their established flex-industrial and warehouse businesses would have a negative economic impact upon their businesses. Staff recognizes that an existing townhouse development is located east of the proposed residential land bay. However, that land bay is an isolated PD-H4 zoning district. The Route 28 Corridor has no plans to further extend townhouse development westward to Shaw Road.

The proposed development appears to be bifurcated into several distinct, non-integrated areas. As such, the proposed zoning configuration could result in on-site compatibility issues both during and after the quarry is decommissioned. Within the limits of the proposed application, a residential land bay with up to 163 townhomes is proposed to abut a proposed PD-IP zoning district where light to heavy industrial development could develop. Should the Planning Commission decide to pursue the proposed land use change, Staff would need to conduct a significant amount of work with the Applicant and the Planning Commission in order to address compatibility issues such as screening and buffering views of the quarry from roadways and residential uses during development phases and screening and buffering PD-IP uses from residential uses. Staff would also need to develop Conditions of Approval for each of the proposed Special Exception uses to mitigate the potential impacts associated with noise, light, glare, screening, and other unique impacts associated with converting a quarry to a lake and with locating residential adjacent to flex industrial uses.

C. ENVIRONMENTAL AND HERITAGE RESOURCES ISSUES

ZO §6-1210(E)(5) *Potential impacts on the environment or natural features including but not limited to wildlife habitat, wetlands, vegetation, water quality (including groundwater), topographic features, air quality, scenic, archaeological, and historic features, and agricultural and forestal lands and any proposed mitigation of those impacts.* **ZO §6-1309(4)** *Whether the proposed special exception or minor special exception adequately protects and mitigates impacts on the environmental or natural features including, but not limited to, wildlife habitat, vegetation, wetlands, water quality (including groundwater), air quality, topographic, scenic, archaeological or historic features, and agricultural and forestal lands.*

ISSUES – There are two main environmental and heritage resources issues: (1) The proposed intersections with Shaw Road in the major floodplain do not appear to be “generally perpendicular” as required by the Revised 1993 Zoning Ordinance, and (2) To mitigate impacts to heritage resources, Staff recommends that the Applicant hire a consultant to complete a narrative history of the African American community of Oak Grove for the purposes of public education. In addition, the application would need to protect resources through proffers, and Staff would need to develop Conditions of Approval to mitigate potential environmental impacts associated with each of the proposed Special Exception uses. As only one example, the Centennial Site is completely wooded, but the CDP designates no Tree Conservation Areas north of Old Ox Road.

ANALYSIS

1. **Road Crossings in Floodplain and Scenic Creek Valley Buffer** - Section 4-1503(E) of the Revised 1993 Zoning Ordinance permits road crossings in the floodplain in a manner generally perpendicular to the flow of the drainageway. The proposed intersections with Shaw Road in the major floodplain do not appear to be “generally perpendicular”. Further, only permitted road crossings can be within the Scenic Creek Valley Buffer (SCVB) per Section 5-1000 of the Revised 1993 Zoning Ordinance. Staff has met with the Applicant regarding this issue is exploring ways on how this issue could be resolved.
2. **Historic Narrative of Oak Grove Community** – The Phase 1 Archaeological Study submitted with this application identifies four (4) archaeological sites (Sites 44LD1604 through 1607) on the subject property. These sites are interpreted to be the remains of historic house sites that date to the late 19th to mid 20th centuries. These sites are believed to be the vestiges of the post-Civil War, African-American settlement of Oak Grove. According the 2004 *Loudoun County African American Historic Architectural Resource Survey*, the Oak Grove community was settled by freed slaves in the 1870’s which eventually boasted a school, church, general store and baseball league. The Oak Grove Baptist Church remains an active community, although the church structure itself has been rebuilt 5 times over the last 140 years. In the Thomas Balch Library’s *A Chronology of Important Events in African American History in Loudoun County, Virginia*, written by Eugene Scheel, it is noted that the Oak Grove Baptist Church was the first African American church founded in eastern Loudoun County.

The Applicant conducted a Phase II Study on one of the house sites, 44LD1607, and determined that it is not potentially eligible for listing in the National Register of Historic Places (NRHP). Similar to the majority of the 30 recorded historically African American settlements in Loudoun County, no comprehensive, narrative history of this community exists. Given that the Oak Grove Baptist Church is a thriving congregation, there is opportunity to glean important information about this community through the oral histories of elder congregants. Should a favorable decision be made regarding the rezoning request, Staff recommends that the Applicant hire a consultant to complete a narrative history of the African American community of Oak Grove for the purposes of

public education. The scope and final product would need to be approved by Staff and specified in the proffers. The Applicant may wish to proffer cash (\$35,000) to the County to coordinate to complete the narrative (like Stonewall Hybrid Energy Park did for the Lower Sycolin community).

D. TRANSPORTATION ISSUES

ZO §6-1210(E)(3) *Adequacy of sewer and water, transportation, and other infrastructure to serve the uses that would be permitted on the property if it were reclassified to a different zoning district [emphasis added].* **ZO §6-1309(6)** *Whether the proposed special exception can be served adequately by public utilities and services, roads, pedestrian connections and other transportation services and, in rural areas, by adequate on-site utilities [emphasis added].*

ISSUES – Staff has identified four primary transportation issues: (1) **Providing a Regional Road contribution and maintaining a Level of Service D at all phases of development,** (2) **Accommodating Rock Hill Road per the Countywide Transportation Plan,** (3) **Coordinating the alignment of Shaw Road with Dulles 2000,** and (4) **Coordinating the alignment of Davis Drive with adjacent property owners.**

ANALYSIS

1. **Regional Road Contribution and Level of Service D** – Per the 2010 Countywide Transportation Plan (2010 CTP), the Applicant should provide a regional road contribution to the County in order to fund regional transportation improvements commensurate with the impacts of the proposed development. Further, development of each phase of a project cannot occur until roadways and intersections have been improved to a Level of Service (LOS) D or better. The application does not currently demonstrate consistency with these policies. For example, the application should commit to widen Old Ox Road between Pacific Boulevard and Rock Hill Road from four to six lanes including intersection improvements, no later than the opening of Phase I of the Waterside Development. According to the submitted Traffic Impact Analysis (TIA), the proposed Waterside Development is projected to generate approximately 1/3 of the total traffic volumes traveling along Old Ox Road throughout all four phases of the project.
2. **Rock Hill Road** – The application does not demonstrate that the subject property would accommodate a planned CTP roadway. A two-lane section of Realigned Rock Hill Road from Davis Drive to existing Rock Hill Road is shown in the vicinity of Land Bay H on the 2010 Countywide Transportation Plan (2010 CTP) and on the Route 28 Toll Area Inter-Jurisdictional Staff Working Group graphic. In written responses, the Applicant indicates that the proposed connection from Davis Drive to existing Rock Hill Road would encourage more traffic to Rock Hill Road and eventually to the Town of Herndon. According to the Applicant, the Town of Herndon has strongly discouraged this connection and hence the Applicant has not provided it.
3. **Coordination with Neighboring Property Regarding Shaw Road Alignment** – Dulles 2000 (ZMAP-1987-0031) has met with Staff and expressed opposition to the

proposed Shaw Road alignment, because it would provide the future PD-RDP development minimal Shaw Road access. In response to Staff comments, the CDP now shows two direct access points from Shaw Road to the Dulles 2000 property. Dulles 2000's approved CDP depicts Shaw Road frontage along the entirety of its future PD-RDP property with three (3) Shaw Road access points. Further coordination between the Applicant and Dulles 2000 representatives is recommended should the application move forward.

4. **Coordination with Neighboring Property Owners Regarding Davis Drive Alignment** – Staff recognizes that the Construction Plans and Profiles for Innovation Drive established the point where Davis Drive intersects Innovation Avenue. Staff continues to recommend coordination regarding the alignment of Davis Drive between the Applicant and neighboring property owners to the south of the subject property due in large part to significant environmental constraints on those parcels.

Other Transportation Issues – If the Planning Commission considers the proposed rezoning, further discussion would also be necessary on more detailed secondary transportation issues, such as:

- a. Phasing of transportation improvements to construct at least two lanes of Davis Drive south of Route 606 prior to occupancy of any uses in Land bays F1 and H
- b. Traffic signals at all on-site intersections if warranted.
- c. Shared use paths along both sides of the entire segment of Old Ox Road to be widened to six-lanes, not just along the site frontage
- d. Minimize the overall number of intersections along the Route 606 corridor by aligning Road "B" with existing Old Ox Road/Oakgrove Road intersection or discuss limiting to right-in/right-out only access to and from eastbound Old Ox Road.
- e. Extension of the limits of the proposed widening west to Pacific Boulevard and east to Rock Hill Road, as is assumed to be in place in the TIA by Phase I of the development program.
- f. Construction traffic routes impacting Loudoun County, Fairfax County, and the Town of Herndon
- g. Shuttle bus service timing
- h. Highway noise study (impacts upon residential uses)

Trip Generation – The proposed Waterside development is anticipated to generate approximately 45,910 total weekday trips.

Table 8. Trip Generation by Phase.				
Waterside Phase	Net AM Trips *	Net PM Trips *	Net Sat. Trips *	Net Weekday Total Trips * (cumulative)
Phases IA & B (2020)	2,335	3,095	2,578	27,880

Phase II (2025)	3,240	4,311	3,473	39,003
Phase III-Full Build (2030)	3,978	5,348	3,957	45,910
<p><u>Source:</u> Waterside Traffic Impact Analysis, Gorove/Slade, Revised April 19, 2013, Tables 3-1, 5-1, 7-1, 7-3</p> <p>Notes: * Assumed TDM reductions of (Centennial/Quarry) 15%/20% for Residential, 10%/15% for Office, and 15%/15% for Hotel. An internal capture reduction was applied to several uses, consistent with the ITE internal capture methodology. A pass-by rate of 25% was applied to retail/supermarket traffic and a pass-by rate of 40% was applied to drive-thru banks, fast food restaurants, and gas stations.</p>				

Proffered Transportation Improvements - The two primary transportation improvements that this rezoning would bring about include the widening Shaw Road through the Quarry Site and the construction of Davis Drive from its current terminus at the northern end of the Centennial Site to the southern end of the Quarry Site. Be advised that prior to constructing Davis Drive, the project would require bringing in a significant amount of clean fill in order to fill the northeast corner of the quarry pit. Below is a full list of the proffered transportation improvements and timing.

Table 9. Proffered Transportation Improvements and Contributions.		
Proffered Improvement or Contribution	Trigger*	Proffer
<u>Old Ox Road</u> (A on Exhibit D) – Widen from four to six lanes (construct a 3 rd eastbound lane & a 3 rd westbound lane) between Shaw Road and Road B.	Phase IA (Construct/not open to traffic)	IX.A.
<u>Davis Drive north of Old Ox Road</u> (B1 on Exhibit D) – Construct four-lane undivided section from Old Ox Road north to current terminus at northern subject property boundary.	Phase IA	IX.B.
<u>Davis Drive south of Old Ox Road</u> (B2 on Exhibit D) – Construct two-lane undivided section & any required turn lanes from Old Ox Road south to southern subject property boundary.	Phase III	IX.C.
<u>Shaw Road</u> (C on Exhibit D) – Construct & two-lane undivided section from Route 606 to Innovation Avenue (Dulles World Center to construct remaining two lanes of the ultimate four-lane divided Shaw Road).	Phase IB	IX.D.
<u>Road A</u> (D on Exhibit D) – Construct two-lane undivided section from Shaw Road to Old Ox Road.	Phase II	IX.E.
<u>Pacific Boulevard</u> (E on Exhibit D) – Construct four-lane undivided section from current terminus south and east to Innovation Avenue interchange with Route 28.	Phase III	IX.F.
<u>Pacific/Greenway Connector</u> (F on Exhibit D) - Construct one-lane one-way section of roadway from Pacific Boulevard to the westbound lanes of the Dulles Greenway.	Phase III	IX.G.
<u>Road C</u> (G1 on Exhibit D) – Construct two-lane undivided section from Shaw Road to Road A	Phase IB	IX.H.2.
<u>Road C</u> (G2 & G3 on Exhibit D) – Construct two-lane undivided section from Road A to Road B.	Phase III	IX.H.3.
<u>Road B1</u> (H1 on Exhibit D) – Construct two-lane undivided section from Road C to Old Ox Road.	Phase IB	IX.I.2.

<u>Road B3 (H2 on Exhibit D)</u> – Construct two-lane undivided section from Road C to Davis Drive.	Phase III	IX.I.3.
<u>Traffic Signal (1 on Exhibit D)</u> - Davis Drive & Future Centennial Site Driveway	Phase IA if warranted	IX.J.1.
<u>Traffic Signal (2 on Exhibit D)</u> - Old Ox Road & Road A	Phase II if warranted	IX.J.2.
<u>Traffic Signal (3 on Exhibit D)</u> - Old Ox Road & Davis Drive	Phase IA if warranted	IX.J.3.
<u>Traffic Signal (4 on Exhibit D)</u> - Shaw Road & Road C	Phase IB if warranted	IX.J.4.
<u>Traffic Signal (5 on Exhibit D)</u> - Shaw Road & Road A	Phase II if warranted	IX.J.5.
<u>Traffic Signal (6 on Exhibit D)</u> - Shaw Road & Future Quarry Site Driveway	Phase II if warranted	IX.J.6.
<u>Traffic Signal (7 on Exhibit D)</u> - Davis Drive & Road C	Phase III if warranted	IX.J.7.
*Triggers mean construct and open to traffic prior to the first occupancy permit for the development phase listed in the table, unless otherwise noted. Source: Proffer Statement (December 18, 2013)		

E. FISCAL AND CAPITAL FACILITIES ISSUES

ZO §6-1210(E)(4) *The requirements for airports, housing, schools, parks, playgrounds, recreational areas and other public services.*

ISSUES - There are four key outstanding economic issues associated with the proposed rezoning request: (1) Loss of commercial tax base associated with residential rezoning within the Route 28 Corridor and Route 28 Tax District and potential risk of opening the Route 28 Corridor to future residential conversions, (2) Public costs associated with providing a full range of services to nearly 5,000 residents and 680 school children in area where no residential is planned, (3) Potential negative impacts associated with building a new townhouse community adjacent to established business and industrial uses, and (4) Potential economic impacts upon the existing businesses in Sterling Park and Moorefield Station, the County's approved Transit Oriented Development.

ANALYSIS

1. **Loss of Commercial Tax Base in Route 28 Corridor** – The rezoning would result in a reduction in approved commercial development in the Route 28 Corridor, which does not preserve commercial land for employment uses and business growth as called for in the RGP. The application seeks to rezone 96 acres that are planned for Route 28 Business to the PD-H4 and PD-H6 zoning districts in order to develop two exclusively residential land bays containing up to 354 townhomes. Seventy of these 96 acres are currently zoned PD-RDP and approved for office and research and development uses. These proposed two exclusive residential land bays would be in addition to the 2,110 multi-family residential units or residential units over first floor commercial uses that are proposed in lieu of the high-generating employment uses that the Route 28 Corridor Plan has envisioned for the area closest to Route 28. Approval of the rezoning would not only result in a loss of commercial tax base on the

subject property but could risk opening the Route 28 Corridor to other residential conversions and eroding potential commercial development in the Route 28 Corridor and Route 28 Tax District.

2. **Capital Facilities/Public Facilities and Services** - The application does not proffer a capital facilities contribution to offset the capital impacts of the residential component of the proposed rezoning. The proposal includes a substantial residential component (2,464 dwelling units). With a projected increase in population of nearly 5,000 residents (4,941) and an increase of 680 schoolchildren, the impact to the provision of County facilities is substantial, particularly in area where no residential is planned. The proposed residences are not counted in County service demand projections, and the existing public facilities that would serve the project, including schools, libraries, emergency services, recreational facilities, are also not proximate to the site.

Loudoun County Public Schools has indicated that the proposed 2,464 residential dwelling units would generate a total of 680 students (333 elementary, 156 middle, and 191 high school students). These 680 new students would necessitate an estimated capital cost of \$27,021,079 and annual operating costs of \$7,884,600. By comparison, Dulles World Center, the approved Town Center in the southern portion of the Route 28 Corridor, is expected to generate a total of 389 students.

The table below provides a preliminary analysis of the application's capital facility impacts. In order to evaluate the proffered capital facilities contribution, the following is needed:

- Provide a per unit residential contribution. Proffered capital facilities contributions should include Unmet Housing Need Units; Board policy allows exemptions only for Affordable Dwelling Units.
- Submit appraisals for the proffered fire and rescue station site and the proffered 42-acre public use site no later than 30 days prior to Board public hearing, per Board policy.

Table 10. Capital Facility Impact Analysis.

Residential Units Proposed Residential Units by type:		Number of allowable Residential Units By-Right: 0
Single-family attached	354	
Multi-family	2,110	
* Affordable dwelling units - 45		
*Unmet housing needs - 296		
Total	2,464	
*included in the total number of SFA and MF		
Projected Capital Facilities Impacts* (before deducting credits for ADUs (Affordable Dwelling Units) & base density) 354 SFA residential units x CIF of \$40,385 = \$14,296,290 2,110 MF residential units x CIF of \$23,758 = + 50,129,380 \$64,425,670		\$64,425,670

*public schools, parks, libraries, mental health services, etc. CIF = Capital Intensity Factor						
Anticipated Developer Capital Facilities Contribution (after deducting credits for ADUs & base density)					\$57,850,745	
					\$64,425,670	
Capital Facility Credit for 45 ADUs (45 ADUs x CIF of \$40,385) -					\$1,817,325	
Capital Facility Credit for 80 acres of R-1 Base Density:					- <u>\$4,757,600</u>	
(80 SFD residential units x CIF of \$59,470)					<u>\$57,850,745</u>	
Public School Impacts						
School Facility Information	Elementary School (Forest Grove)	Middle School (Sterling)	High School (Park View)			
Student Enrollment 9/28/12	578	950	1284			
2012/13 Capacity	604	1114	1345			
Proposed Units	Elementary School Students Generated	Middle School Students Generated	High School Students Generated	Total Students Generated by Proposal	Annual Operating Costs	Estimated Capital Costs
354 SFA	85	40	49	174	\$7,884,600	\$27,021,079
2,110 MF	248	116	142	506		
2,464 Total	333	156	191	680		
Proffered Capital Facilities Contributions						
Cash contribution \$_____/residential unit					\$0	
Dedication of 42-acre public use site (appraisal required 30 days prior to Board public hearing)					unable to determine	
Dedication of 10-acre fire and rescue site (appraisal required 30 days prior to Board public hearing)					unable to determine	
Difference between Capital Facilities Impacts and Contribution					Unable to determine	
Anticipated Open Space Easement Contribution Range						
Policy: \$3,800 - \$5,000 per easement / 1 easement for each dwelling unit above the density of 3.5 dwelling units per acre (1,939.85 acres x \$3,500 & x \$5000)					\$7,371,430 to \$9,699,250	
Proffered Open Space Easement Contribution					\$0	

- Economic Impacts Upon Existing Industrial Business Uses** – In the northern portion of the subject property, the proposal would locate 191 townhouses adjacent to established industrial and business uses to the west and north. Situating new residential uses in proximity to established industrial and business uses could

compromise the economic viability of the industrial and business uses. Property owners have expressed concerns regarding locating residential uses in this area.

4. **Economic Impacts on Sterling Park and Moorefield Station (TOD)** - Staff notes that a town center of the proposed 94-acre size (156 acres in total once combined with the 60-acre Dulles World Center) could have significant economic impacts upon the existing businesses in Sterling Park. It would also likely compete directly with Moorefield Station, the County's approved Transit Oriented Development on Route 772 (Ryan Road). The Retail Plan states that all applications for commercial retail rezonings must include a statement describing the catchment or market area to be served as well as a statement of justification that contains an analysis of existing and proposed competing projects (Retail Plan, General Retail Policy 4). The intent of this policy is to ensure that proposed retail uses are viable in the long-term and do not lead to an oversaturation of the market and an excess of total retail floor space in relation to the population served. Such an analysis is particularly important, given that the proposed uses are contrary to the County's adopted Comprehensive Plan.

F. PUBLIC UTILITIES/PUBLIC SAFETY ISSUES

ZO §6-1210(E)(3) *Adequacy of sewer and water, transportation, and other infrastructure to serve the uses that would be permitted on the property if it were reclassified to a different zoning district.*
(6) *The protection of life and property from impounding structure failures. [emphasis added].* **§6-1309(6)** *Whether the proposed special exception can be served adequately by public utilities and services, roads, pedestrian connections and other transportation services and, in rural areas, by adequate on-site utilities [emphasis added].*

ISSUES - Staff has identified two outstanding public utility and public safety issues at this stage: (1) Inadequate Sewer Capacity and (2) Fire and Rescue Contribution that does not meet Board policy.

ANALYSIS

1. **Sewer Capacity South of Old Ox Road** - The Quarry Site south of Old Ox Road lies within the Horsepen Run sanitary sewer service area. At build out, Waterside would require more sewer capacity than is currently available to Loudoun Water. Should the Board wish to change the land use in this area, the Applicant would need to work with Staff and Loudoun Water to develop proffer language similar to that used by Dulles World Center. Such proffers would demonstrate that the application would phase development to accommodate current sewer capacity constraints, work with Loudoun Water to modify an existing 1971 agreement between Loudoun Water and Fairfax County, and provide Loudoun Water a sewer capacity analysis that includes downstream facilities and planned and approved densities for Waterside and other properties in the Horsepen Run drainage shed. (Proffer XII. B.)
2. **Fire & Rescue** - The Town of Herndon expressed concern that the Town of Herndon Fire Station, about two miles away, would provide the fastest response time for the proposed development in contrast to the Sterling Fire Station. The application includes a proffered one-time Fire and Rescue contribution, to the County at the time of each

zoning permit, of \$0.20 per gross square foot of non-residential floor area and \$120.00 for each residential unit to be distributed equally to the first response fire and rescue facilities. While the amounts are standard, staff suggests that the contributions be in 1988 dollars, consistent with the Board's adopted policy (Proffers XIII. A. & B.).

The following table summarizes how this application addresses other public utilities and fire and rescue topics.

Table 11. Public Utilities and Public Safety.	Proffer Condition or Note
<u>Public Water</u> - Public water service may be acquired by extending existing waterlines. To ensure adequate supply and redundancy, proffers include: (1) Complete a distribution analysis based on planned and approved development in the area and consistent with Loudoun Water's water master plan. (2) Ease an area sufficient to accommodate a 16 inch water transmission line along the proposed Davis Drive corridor	Proffer XII. A.
<u>Sewer Capacity South of Old Ox Road</u> - Sanitary sewer may be extended to the subject property on the north side of Old Ox Road by extension of existing Loudoun Water facilities. The Applicant has proffered to conduct the necessary sewer capacity analysis of downstream facilities to determine the adequacy of the Indian Creek Interceptor and its tributary trunk from the proposed development. The analysis must account for planned and approved densities for Waterside and other properties in the Indian Creek drainage shed.	Proffer XII.B
<u>Fire & Rescue Service</u> - The Sterling Fire and Rescue Station would serve the subject property with an approximate response time of 7 minutes and 12 seconds. (Kincora Fire and Rescue Station would serve Dulles World Center.)	Not an issue.

G. ZONING ISSUES

ISSUES - The most significant outstanding zoning issue is with regard to the request to rezone portions of the subject property to the PD-TC zoning district. Below staff discusses this main issue, plus three other noteworthy zoning issues. Should the Board pursue changing the land use on the subject property, this application would need to address the full list of Zoning issues provided in the attached Zoning referrals.

ANALYSIS

1. **Proposed PD-TC Zoning District** – The PD-TC zoning district is intended to provide a compatible mixture of commercial, cultural, institutional, governmental, and residential uses in a compact, pedestrian-oriented, traditional town center. With the goal of achieving this purpose, the Revised 1993 Zoning Ordinance specifies size and location requirements for a PD-TC zoning district. For example, the district shall be between thirty (30) and sixty (60) acres in size and shall include a Town Center Core that is between ten (10) and twenty (20) acres. Because of the scale and intensity of PD-TC districts, such districts shall not be located within 10,000 feet of another PD-TC

district and shall be served by major collectors or arterials with capacity to handle the traffic generated.

Table 12. Zoning Issues with Proposed PD-TC Zoning District Regulations		
	Zoning Ordinance Requirement	Proposed
PD-TC district size	30 - 60 acres	96.3 acres
Access to PD-TC district	major collectors or arterials with capacity to handle the traffic generated	Shaw Road, a minor collector
Distance separating PD-TC districts	10,000 feet	0 feet
Size of the Town Center Core (PD-TC Core)	10 - 20 acres	40.4 acres
Maximum distance from 1 boundary of the Town Center Core to the farthest boundary	1,200 feet	1,800 feet
Maximum distance from 1 boundary of the entire Town Center to the farthest boundary	2,500 feet	3,500 feet
Definitions: <u>Major Collector:</u> A roadway that carries traffic through the County, provides a connection between arterials, and is accessed by minor collectors and/or rural secondary roads. <u>Arterial Road:</u> Generally, a publicly owned and maintained road, designed with restricted access and primarily intended to carry "through" traffic at 45 to 55 miles per hour. <u>Minor Collector:</u> A roadway that carries traffic from local subdivision streets and rural secondary roads to major collectors and/or arterials. CTP Glossary.		

As further discussed in the Zoning Modification section of the Staff Report, the application seeks to modify the above deviations from the PD-TC zoning regulations. The Board may approve a modification if they find it achieves an innovative design, improves upon the existing regulation, or otherwise exceeds the public purpose of the existing regulation. Staff finds that increases to the size of the overall district and district core conflict with the district's purpose of providing dwellings, shops, and workplaces in close proximity to each other. Zero separation between PD-TC districts is inconsistent with the Ordinance and, in this case, would create a 156-acre town center, which is not in keeping with the Ordinance. The application does not demonstrate that the market will support a second PD-TC district in the area and fails to demonstrate transition with Dulles World Center through an integrated pedestrian and vehicular network.

2. **Submit Special Exception Plats** – The Applicant will need to submit Special Exception Plats for each Special Exception Use; the SPEX Plat should clearly show the limits of the SPEX with proposed building envelopes and specify the amount of land area, so the County can fully evaluate those requests and consider conditions of approval to mitigate potential impacts. For example, further review is needed on the traffic circulation through the proposed drive through restaurant, the number and location of site entrances on the gas station/convenience store along Old Ox Road. Also, given that only the most recent submission included a proffered Fire and Rescue station, the Fire and Rescue planning staff would appreciate the opportunity to fully evaluate the possibility of locating a station at this location.

3. **Clarify Office Definitions** – Proffers define office uses that differ from the Revised 1993 Zoning Ordinance. Without clarity, there are no guarantees that even the two PD-OP land bays would achieve the Route 28 Corridor’s employment goals. For example, proffers define “Office/Flex” as “any uses permitted by-right or by special exception in the PD-IP zoning district”. The term mixes the Zoning Ordinance terms “Office” and “Flex-Industrial” and could lead to confusion, resulting in flex-industrial uses in Land Bays B and D, which are intended to be Waterside’s premier office buildings. Staff recommends using the definitions in the Zoning Ordinance, so that as amendments are made, such amendments would apply to the development. Further, the proffered minimum building heights for “office buildings” within Land Bays B and D do not define an “office building”?
4. **Designate Public Use Sites on CDP** – Proffers leave the option of how to use the proffered 42-acre public use site (Land Bay A-2) open to the Board of Supervisors to decide in the future. Within the proposed PD-H4 zoning district, the Zoning Ordinance requires that a proposed use be identified on the Concept Plan. Therefore, a Zoning Concept Plan Amendment (ZCPA) would be required to establish a specific use on the site. Staff finds that the co-location of an Elementary School (20 acres) and a Community Park would be an optimal use of the property. Designating such uses on the CDP would save future County resources in processing a ZCPA.

The following issues were discussed at length and resolved during the referral process.

Table 13. Zoning – Resolved Issues.	Proffer Condition or Note
<u>Rezoning Would Deem the Quarry a Nonconforming Use</u> - Approval of the rezoning would render the existing quarry a nonconforming use per Section 1-402 of the <u>Revised 1993 Zoning Ordinance</u> . Nonconforming uses cannot be expanded beyond the lot area that it occupies. To fulfill existing contracts, the Applicant could obtain rock by quarrying downward within the existing pit but would not be able to expand the width of the quarry pit. Update Sheet 4 of the CDP to clearly show the existing quarry wall locations.	CDP, Sheet 4
<u>Rezoning Would Deem the Asphalt Plant a Nonconforming Use</u> – The application originally sought to relocate the existing asphalt plant to Land Bay E (proposed fire and rescue station) for 10 years. The Applicant decided to leave the asphalt plant in its existing location. Approval of the rezoning would render the asphalt plant a nonconforming use per Section 1-402 of the <u>Revised 1993 Zoning Ordinance</u> . Nonconforming uses cannot be expanded or extended beyond the floor area or portion of the lot area that it occupies. Update Sheet 4 of the CDP to establish clear limits of the asphalt plant use.	CDP, Sheet 4

ZONING MODIFICATIONS

Criteria for Approval - Zoning Ordinance Section 6-1500 of the Revised 1993 Zoning Ordinance states that no modification shall be approved unless the Board of Supervisors finds that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulation. No modification will be granted for the primary purpose of achieving the maximum density on a site.

Zoning Ordinance Section 5-1400 of the *Revised 1993 Zoning Ordinance* authorizes the Board to approve modifications of the buffering and screening requirements as part of a Special Exception. Unlike modifications to Section 6-1500, it is not necessary for modifications to §5-1400 to achieve an innovative design, improve upon the existing regulations, or to exceed the public purpose of the existing regulation.

The application requests the following twenty (20) modifications of the Revised 1993 Zoning Ordinance. Generally, modifications 6, 7, and 11 through 20 do not achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose. Such modifications pertain to increasing the maximum size of a Town Center Core in the proposed PD-TC zoning district, eliminating the distance requirements between Town Centers within the proposed PD-TC zoning district, reducing the minimum required building and parking setbacks adjacent to residential uses or adjacent or roads, locating a building within the Scenic Creek Valley Buffer, and increasing maximum building heights without requiring additional building setbacks. Design Guidelines have been submitted, but they do not appear to be linked to or justify the requested modifications. The modifications would generally negate policies in the March 2011 Route 28 Corridor Plan that are intended to create a separation between town centers and conflict with the PD-TC district's purpose of providing dwellings, shops, and workplaces in close proximity to each other.

Table 14. Requested Modifications

Table 14. Requested Modifications		
Building and Parking Setbacks from Internal Roads: With modifications 1 through 5, the Applicant seeks to reduce the building and parking setbacks from internal road rights-of-way to 10 feet in the PD-CC, PD-OP, PD-IP, and PD-TC zoning districts. These modifications would not apply to Davis Drive, Shaw Road, or Old Ox Road.		
Zoning Ordinance Section	Requested Modification and Justification	Staff Analysis/ Recommendation
1. ZO §4-205(C)(1)(b) Lot Requirements. Yards. Adjacent to Roads. Community Center (CC). No building, parking, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than <u>(35) feet</u> to any road right-of-way, except as provided in Section 4-206(E).	To reduce the minimum required building setback and off-street parking setback for yards adjacent to any road right-of-way, exclusive of Davis Drive (Route 868), Shaw Road (Route 636), and Old Ox Road (Route 606) to <u>10 feet</u> in PD-CC (CC) zoning districts. According to the Applicant, the first four modifications are necessary in order to provide consistent, pedestrian-oriented streetscapes throughout Waterside. The Applicant's justification for the modifications is that reduced setbacks use the buildings to frame open spaces and create compact, pedestrian-oriented development, whereas overly	If the rezoning application is approved, Staff can support this modification. Reduced yards may be appropriate internal to the land bays and would improve upon the existing regulations by promoting a compact pedestrian-friendly, development pattern.

	large building and parking setbacks internal to a mixed-use development encourage a more auto-dependent development pattern. Further, the reduced setbacks would promote traffic calming.	
<p>2. ZO §4-305(B)(1) Lot Requirements. Yards. Adjacent to roads. [PD-OP]</p> <p>Except where a greater setback is required by Section 5-900, no building shall be permitted closer than thirty-five (35) feet to the right-of-way from any road and no parking shall be permitted closer than twenty-five (25) feet to the right-of-way from any road.</p>	<p>To reduce the minimum required building setback for yards adjacent to any road right-of-way, exclusive of Davis Drive (Route 868), Shaw Road (Route 636), and Old Ox Road (Route 606), to <u>10 feet</u> in PD-OP zoning districts; to reduce the minimum required off-street parking setback adjacent to any road right-of-way, exclusive of Davis Drive (Route 868), Shaw Road (Route 636), and Old Ox Road (Route 606), to <u>10 feet</u> in PD-OP zoning districts.</p>	<p>If the rezoning application is approved, Staff could support this modification. Reduced yards may be appropriate internal to the land bays and would improve upon the existing regulations by promoting a compact pedestrian-friendly, development pattern.</p>
<p>3. ZO §4-505(B)(1) Lot Requirements. Yards. Adjacent to roads. [PD-IP]</p> <p>Except where a greater setback is required by Section 5-900, no building shall be permitted closer than thirty-five (35) feet to the right-of-way from any road and no parking shall be permitted closer than twenty-five (25) feet to the right-of-way from any road.</p>	<p>To reduce the minimum required building setback for yards adjacent to any road right-of-way, exclusive of Davis Drive (Route 868), Shaw Road (Route 636), and Old Ox Road (Route 606), to <u>10 feet</u>; to reduce the minimum required off-street parking setback for yards adjacent to any road right-of-way, exclusive of Davis Drive (Route 868), Shaw Road (Route 636), and Old Ox Road (Route 606), to <u>10 feet</u> in PD-IP zoning districts.</p>	<p>If the rezoning application is approved, Staff could support this modification. Reduced yards may be appropriate internal to the land bays and would improve upon the existing regulations by promoting a compact pedestrian-friendly, development pattern.</p>
<p>4. ZO §4-805(F)(1) Lot Requirements. Other yard requirements. Adjacent to roads. [PD-TC]</p> <p>Except where a greater setback is required by Section 5-900, no building shall be permitted closer than thirty five (35) feet to any road and no parking shall be permitted closer</p>	<p>To reduce the minimum required building setback for yards adjacent to any road right-of-way, exclusive of Davis Drive (Route 868), Shaw Road (Route 636), and Old Ox Road (Route 606), to <u>10 feet</u>; to reduce the minimum required off-street parking setback for yards adjacent to any road right-of-way, exclusive of Davis Drive (Route 868), Shaw Road (Route 636), and Old Ox</p>	<p>If the rezoning application is approved, Staff could support this modification. Reduced yards may be appropriate internal to the land bays and would improve upon the existing regulations by promoting a compact pedestrian-friendly, development pattern.</p>

than twenty five <u>(25) feet</u> to the right-of-way from any road.	Road (Route 606), to <u>10 feet</u> in PD-TC zoning districts.	
<p>5. ZO §5-900(A)(11)(a) and (b) and (12)(a) and (b) Access and Setbacks from Specific Roads and the W&OD Trail. Building and Parking Setbacks from Roads.</p> <p>All other roads in Nonresidential Districts and All other roads in Residential Districts.</p> <p>(a) Building: As specified in applicable district regulations.</p> <p>(b) Parking: <u>25 feet</u> unless otherwise specified in applicable district regulations.</p>	To allow a minimum <u>building</u> and off-street <u>parking setback</u> along <u>internal road rights-of-way</u> of <u>10 feet</u> in all zoning districts.	If the rezoning application is approved, Staff could support this modification. Reduced yards may be appropriate internal to the land bays and would improve upon the existing regulations by promoting a compact pedestrian-friendly, development pattern.
<p>Building and Parking Setbacks from Old Ox Road, Davis Drive, and Innovation Avenue:</p> <p>Modifications 6 and 7 would result in 35-foot building and parking setbacks along Old Ox Road (Route 606) and Innovation Avenue and 20-foot building and parking setbacks along Davis Drive.</p>		
<p>6. ZO §5-900(A)(8)(a) and (b) Access and Setbacks from Specific Roads and the W&OD Trail. Building and Parking Setbacks from Roads. Route 606.</p> <p>(a) Building: 100 feet.</p> <p>(b) Parking: 75 feet.</p>	<p>To reduce the minimum building setbacks to <u>35 feet</u>; to reduce the minimum off-street parking setbacks to <u>35 feet</u> in PD-IP and PD-OP zoning districts.</p> <p>As justification for modifications 6 and 7, the Applicant asserts that the objective is to provide consistent, pedestrian-oriented streetscapes throughout Waterside and a compact, vertically-integrated mixed-use development where residents can walk conveniently between housing, offices, shops, and recreation.</p>	Staff cannot support the setback reduction along Old Ox Road (Route 606). The Applicant seeks the reduction in order to enhance a compact, vertically integrated mixed-use development. However, Route 606 does not abut the mixed-used portion of the development. Thus, the setback reduction does not appear to be warranted.
<p>7. ZO §5-900(A)(10)(a) and (b) Access and Setbacks from Specific Roads and the W&OD Trail. Building and Parking Setbacks from Roads. Other Major Collector Roads.</p>	<p>To reduce the minimum <u>building setback</u> along <u>Innovation Avenue</u> to <u>35 feet</u> in PD-TC zoning districts.</p> <p>To reduce the minimum <u>building setback</u> along <u>Davis Drive</u> to <u>20 feet</u> in PD-IP, PD-CC(CC), PD-</p>	Staff cannot support the setback reductions along Davis Drive. Davis Drive does not abut the mixed-used portion of the development. Thus, the setback reductions do not appear to be warranted.

<p>(a) Building: 75 feet. (b) Parking: 35 feet.</p>	<p>H4, and PD-H6 zoning districts.</p> <p>To reduce the minimum off-street <u>parking setback</u> along <u>Davis Drive</u> to <u>20 feet</u> in PD-CC(CC), PD-H4, and PD-H6 zoning districts. The Applicant seeks the reduction in order to enhance a compact, vertically integrated mixed-use development.</p>	<p>Should the Board approve the land use change, Staff can support the modification along Innovation Avenue. The justification for the modification is since the roadway abuts mixed-use development, it improves upon the existing regulations by promoting a pedestrian-friendly, compact development pattern.</p>
<p>Building and Parking Setbacks Adjacent to Residential: Modifications 8, 9 and 10 would result in 40-foot building and parking setbacks within the PD-CC(CC), PD-IP, and PD-OP zoning districts adjacent to residential or agricultural zoning districts or land bays allowing residential uses.</p>		
<p>8. ZO §4-205(C)(2) Lot Requirements. Yards. Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses. Community Center (CC). No building, parking, outdoor storage, areas for collection of refuse or loading area shall be permitted closer than <u>(100) feet</u> to any agriculture districts, any existing or planned residential district, or land bays allowing residential uses.</p>	<p>To reduce the minimum required building and off-street parking setbacks to <u>40 feet</u> in PD-CC (CC) zoning districts.</p> <p>As justification for modifications 8-10, the Applicant states that the reduced setbacks would allow development in the commercial districts to create a more traditional design where buildings line the streets. The Applicant states that the proffered 43-acre public use site would separate the townhouses from the PD-OP and PD-CC districts, so the modifications would not bring the commercial buildings any closer to the homes than would otherwise be allowed.</p>	<p>Should the Board approve the land use change, Staff could support the modification, provided that the Applicant upgrade the buffer type from a Type 2 to a Type 3. Based on the layout with the fire and rescue site separating the townhouses from the PD-CC district and the upgraded buffer, the modification would exceed the public purpose of the existing regulation.</p>
<p>9. ZO §4-305(B)(2) Lot Requirements. Yards. Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses. [PD-OP] No building, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than fifty <u>(50) feet</u> to any</p>	<p>To reduce the minimum required building setback for yards adjacent to any agricultural district, any existing or planned residential district, or land bays allowing residential uses to <u>40 feet</u> in PD-OP zoning districts.</p>	<p>Should the Board approve the land use change, Staff could support the modification, provided that the Applicant upgrade the buffer type from a Type 2 to a Type 3. Based on the layout with the fire and rescue site separating the townhouses from the PD-OP district and upgraded buffer, the modification would exceed the public purpose of the existing regulation.</p>

agricultural district, any existing or zoned residential district, or land bay allowing residential uses.		
<p>10. ZO §4-505(B)(2) Lot Requirements. Yards. Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses. [PD-IP]</p> <p>No building, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than seventy-five (75) feet to any agricultural district, any existing or zoned residential district, or land bay allowing residential uses.</p>	<p>To reduce the minimum required building setback for yards adjacent to any agricultural district, any existing or planned residential district, or land bays allowing residential uses to <u>40 feet</u> in PD-IP zoning districts.</p> <p>As justification, the Applicant states that wetlands and floodplain separate the PD-IP district from the residential units in the PD-H6 district, so the modification would not bring the commercial buildings any closer to the homes than would otherwise be allowed.</p>	<p>Should the Board approve the land use change, Staff could support the modification, provided that the Applicant provide the 50' management buffer and upgrade the buffer type from a Type 2 to a Type 3. Based on the layout with the wetlands and floodplain areas separating the PD-IP district from the PD-H6 district and upgraded buffer, then, the modification would exceed the public purpose of the existing regulation.</p>
<p>PD-TC District - Size, Location, Distance & Alleys: Modifications 11, 12, 13, 14, and 15 seek to alter the requirements of the Planned Development – Town Center zoning district.</p>		
<p>11. ZO §4-802 Size, Location, and Components.</p> <p>This district, when mapped, shall be no less than thirty (30) acres nor more than sixty (60) acres in size, and shall be served by <u>major collectors</u> or arterials with capacity to handle the traffic generated.</p> <p>No Town Center district shall be located within <u>10,000</u> feet of another Town Center.</p>	<p>To increase the maximum permitted size of the Town Center district to <u>96 acres</u>. As justification, the Applicant states that the increased acreage allows more land on which to develop the desired uses and therefore allows the Applicant to incorporate such desired uses as a grocery store, lakefront dining, and signature office buildings. The increased acreage enables the Applicant to proffer 10 acres to the County for a fire and rescue site.</p> <p>To permit the Town Center district to be served by a <u>minor collector</u>, Shaw Road. As justification, the Applicant asserts that although Shaw Road will be the primary way for vehicles to access the</p>	<p>Staff cannot support modifying the maximum size of the PD-TC district as district size is fundamental to the purpose and intent of the PD-TC zoning district. Increases to the size of the overall district conflict with the district's purpose of providing dwellings, shops, and workplaces in close proximity to each other. If the Board supports the idea of a PD-TC district on the subject property, Staff suggests that the Applicant reduce the district size to comply with the maximum 60-acre size requirement.</p> <p>Staff cannot support remapping a PD-TC district in this location, as it will adjoin 60 acres of land that are already zoned PD-TC (Dulles World Center). <u>The Revised 1993 Zoning Ordinance</u> requires</p>

	<p>Town Center district it will also be well-served by other regional roads: Route 28, a principal arterial, runs along the western edge of the district and Shaw Road connects two major collector roads, Route 606 and Innovation Avenue, providing additional access from multiple directions. Shaw Road will help maintain the walkability and human scale of the Town Center district better than a road with a higher classification.</p> <p>To eliminate the requirement that no Town Center district shall be located within 10,000 feet of another Town Center in PD-TC zoning districts and to allow the proposed town center to be located adjacent to Dulles World Center. As justification, the Applicant states that the boundaries of each district will be the Town Center Fringe areas, and that the proposed modification improves upon the existing regulations by allowing the Waterside project's mixed-use Town Center at a prominent location that provides for a seamless transition with Dulles World Center through an integrated pedestrian and vehicular network across Innovation Avenue.</p>	<p>10,000 feet of separation between such districts because of the scale and intensity of PD-TC districts. Zero separation between PD-TC districts is wholly inconsistent with the Ordinance and, in this case, would essentially create a 156-acre town center, which is not in keeping with the Ordinance. The application has not demonstrated that the market will support a second PD-TC district in the area. Further, the application fails to demonstrate the cited seamless transition with Dulles World Center through an integrated pedestrian and vehicular network.</p> <p>Staff questions how the proposed modifications achieve an innovative design, improve upon existing regulations, or otherwise exceed the public purpose of the existing regulations; it appears that many of the PD-TC district modifications are proposed in order to allow a second town center adjacent to the approved Dulles World Center. These proposed zoning modifications defeat the purpose of the requirements which are intended to create a separation between town centers.</p>
<p>12. ZO §4-807(A) Land Assembly Requirements. The maximum size of the Town Center Core shall be twenty <u>(20) acres</u>.</p>	<p>To increase the maximum permitted size of the Town Center Core to <u>40.4 acres</u> in PD-TC zoning districts. According to the Applicant, the modification to the size of the Town Center Core is necessary for the Core to maintain a proportionate</p>	<p>Staff cannot support doubling the maximum size of the Town Center Core as district size is fundamental to the purpose and intent of the PD-TC zoning district. Like increases to the acreages of the overall district, increases to the size of the Town Center Core conflict with</p>

	share of the overall Town Center district. The proposed modification improves upon the existing regulations by allowing the Applicant to create a substantial, employment-focused Town Center with the complementary uses and physical setting needed to attract Class A office tenants in furtherance of the County's economic development objectives for this area.	the district's purpose of providing dwellings, shops, and workplaces in close proximity to each other. If the Board supports the idea of a PD-TC district on the subject property, Staff suggests that the Applicant reduce the Town Center Core to comply with the maximum 20-acre size requirement.
13. ZO §4-807(B) Land Assembly Requirements. The maximum distance from one boundary of the Town Center Core to the farthest boundary shall not exceed <u>1,200 feet</u> .	To increase the maximum distance from one boundary of the Town Center Core to the farthest boundary to <u>1,800 feet</u> in PD-TC zoning districts. The Applicant asserts that this modification and the following modification are necessary due to the increase in the overall size of the Town Center district and that it improves upon the existing regulations by establishing a compact, pedestrian-oriented environment with a mix of uses in a way that integrates Waterside with the adjacent Dulles World Center and maximizes the opportunity for an attractive, desirable Town Center district surrounding the property's major water feature.	Staff cannot support this modification. Like the proposed increases to the acreages of the district and core, increasing the district and core boundaries is in conflict with the district purpose to provide dwelling, shops, and workplaces in close proximity to each other. Staff suggests re-design of the PD-TC district to meet the Ordinance requirements.
14. ZO §4-807(C) Land Assembly Requirements. The maximum distance from one boundary of the entire Town Center to the farthest boundary shall not exceed <u>2,500 feet</u> .	To increase the maximum distance from one boundary of the entire Town Center to the farthest boundary to <u>3,500 feet</u> in PD-TC zoning districts. (Refer to previous justification.)	Staff cannot support this modification. Like the proposed increases to the acreages of the district and core, increasing the district and core boundaries is in conflict with the district purpose to provide dwelling, shops, and workplaces in close proximity to each other. Staff suggests re-design of the PD-TC district to meet the Ordinance requirements.

<p>15. ZO §4-808(C) Land Use Arrangement and Use Limitations. Each block in the Town Center should be designed to include an alley.</p>	<p>To eliminate the requirement that each block within the Town Center include an alley in PD-TC zoning districts. Rather, the Applicant proposes to provide structured parking for the Town Center uses and various mid-block pedestrian plazas and crossings. With the combination of structured parking garages, pedestrian crossings, and plaza areas, the design of the blocks within the Town Center will improve upon the existing PD-TC zoning provisions by facilitating pedestrian and vehicular circulation and effectively serving as alleys.</p>	<p>Should the Board approve the land use change, Staff could support the modification, provided that the Design Guidelines support the modification by demonstrating the various mid-block pedestrian plazas and crossings.</p> <p>Staff requests that the Applicant review the project design and consider incorporating alleys in some but not all blocks. Alleys are intended to provide secondary and/or service access and would be particularly useful in the Core where commercial uses would receive deliveries.</p>
<p>Building Height: With modifications 16 and 17, the application seeks to increase the maximum building height to 120 feet in the Town Center Fringe, 200 feet in the Town Center Core for the buildings closest to Route 28, 180 feet for other buildings within the Core, and 100 feet in both PD-OP districts, all without additional setbacks.</p>		
<p>16. ZO §4-306(B) Building Requirements. Building Height. [PD-OP] Sixty <u>(60) feet</u> provided that a building may be erected to a maximum height of <u>(100) feet if it is set back</u> from streets or from lot lines that do not constitute boundaries of districts with lower maximum height restrictions, in addition to each of the required minimum yard dimensions, a distance of not less than <u>one (1) foot for each one (1) foot of height that it exceeds the sixty (60) foot limit.</u></p>	<p>To increase the maximum building height to <u>100 feet</u> without any additional building setbacks in PD-OP zoning districts.</p> <p>As justification for modifications 16 and 17, the Applicant argues that adherence to the building height and setback requirements would hinder the ability to create a signature, urban development due to the increased separation between buildings, which would reduce the pedestrian orientation of the development by dispersing the office space into more low-level buildings. The Applicant also states that the proposed building heights would transition well with the Dulles World Center to the south, which is approved for 200-foot tall buildings throughout its Town Center.</p>	<p>Staff cannot support building height modifications at this time. Existing and proposed uses are incompatible with adjacent uses. Staff suggests that the Applicant enter into discussions with adjacent property owners to discuss the building height modifications and explore potential measures that could exceed the public purpose, such as enhanced buffers and design guidelines (building elevations) to offset the proposed reduced setbacks.</p>
<p>17. ZO §4-806(B) Building</p>	<p>To increase the maximum</p>	<p>Staff cannot support building</p>

<p>Requirements. Building Height. [PD-TC] <u>Sixty (60) feet</u> in the Town Center Core, <u>forty (40) feet</u> maximum in the Town Center Fringe, except that the towers and/or steeples of civic buildings may be erected to a maximum height of <u>100 feet</u> if <u>the building is set back</u> from public streets or from lot lines that do not constitute boundaries of districts with lower maximum height restrictions, in addition to each of the required minimum yard dimensions, a distance of not less than <u>2 feet for each 1 foot of height that exceeds the 35-foot limit.</u></p>	<p>building height to <u>200 feet</u> within the Town Center Core without any additional building setbacks in PD-TC zoning districts.</p> <p>To increase the maximum building height to <u>120 feet</u> within the Town Center Fringe without any additional building setbacks in PD-TC zoning districts. (Refer to previous modification for justification.)</p>	<p>height modifications at this time. Existing and proposed uses are incompatible with adjacent uses. Staff suggests that the Applicant enter into discussions with adjacent property owners to discuss the building height modifications and explore potential measures that could exceed the public purpose, such as enhanced buffers and design guidelines (building elevations) to offset the reduced setbacks.</p>
<p>Building in the Scenic Creek Valley Buffer:</p>		
<p>18. ZO §5-1003. Effect of Buffer. The construction of buildings, structures, parking lots, or other impermeable surfaces within the Scenic Creek Valley Buffer is prohibited, except as stated herein.</p>	<p>To allow the construction of one building within the Scenic Creek Valley Buffer within the PD-TC zoning district.</p> <p>As justification, the Applicant states that building one building in the Scenic Creek Valley Buffer would establish a strong street edge along Shaw Road. The building is the southernmost building in the Core and sets the development pattern for all future buildings in the Town Center.</p>	<p>Staff cannot support constructing a building within the Scenic Creek Valley Buffer. The Applicant's justification for building in the SCVB is to establish a strong edge along Shaw Road that with set the development pattern for the Town Center. That justification does not appear to achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulation. Some of the purposes of the SCVB regulations are to (1) promote high water quality, (2) preserve significant environmental resource areas, wildlife habitat and native vegetation, and (3) protect groundwater and purify storm water runoff.</p>
<p>Tree Canopy and Buffer Yards:</p>		
<p>19. ZO §5-1303 (A)(1) Canopy Requirements. Site Planning. <u>Ten (10) percent tree</u></p>	<p>To allow the 10 percent tree canopy requirement to be measured on the basis of each land bay rather than by lot or</p>	<p>Staff cannot support this modification at this time. Staff sees nothing on the Concept Development Plan, Proffers, or</p>

canopy for sites zoned business, commercial, or industrial in the GB, PD-MUB, PD-IP, PD-OP, PD-GI, MR-HI, PD-CC, PD-RDP, PD-SA, PD-TRC, PD-TREC, PD-TC, CLI, RC, and PD-H Districts.	site in PD-IP, PD-OP, PD-CC, and PD-TC zoning districts; to allow each individual lot or site to have a maximum of <u>zero percent</u> tree canopy. The design of the project provides for the office, hotel, residential and retail buildings to be located closer together than would typically be the case under the applicable zoning regulations and potentially subdivided to allow multiple owners and phases of development.	Design Guidelines to demonstrate that the modification would achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose. No Tree Conservation Areas are depicted on the Centennial Site, which is entirely wooded. No enhance tree canopy areas are proposed for any individual lots.
20. ZO §5-1400 Buffering and Screening 5-1414(A) Table 5-1414(A) and (B) Buffer and Screening Matrix.	To modify buffer yard widths to provide widths consistent with the requested yard modifications in all zoning districts. According to the Applicant, the proposed modification improves upon the existing regulations by providing uniform, pedestrian-friendly streetscapes and a compact, integrated development pattern.	Staff cannot support this modification for Davis Drive and Old Ox Road, as Staff cannot support the corresponding requested yard modifications along Davis Drive and Old Ox Road. Staff can support the modification along Innovation Avenue, provided that the Concept Development Plan clearly states that only the setback is being modified, not the contents of the buffer.

V. FINDINGS FOR DENIAL

1. The proposed development introduces 2,464 residential dwelling units into the Route 28 Corridor and the Route 28 Tax District, contrary to the County's adopted Comprehensive Plan and land use policy. The proposed PD-TC, PD-H4, PD-H6, and PD-CC-CC zoning districts are inconsistent with the County's adopted Comprehensive Plan. The Revised General Plan (RGP) designates this property for use and development under the Route 28 Core and Route 28 Business policies. Route 28 Core developments are to be 100% high-quality, high-employment generating, high intensity office developments. Route 28 Business areas are to be low to mid-density office and flex uses. Supportive commercial retail and services uses within both Route 28 Core and Route 28 Business areas are limited to 10% of the floor area. Neither Route 28 Core nor Route 28 Business areas include a residential component.
2. The proposal to add a second mixed-use office center, 96 acres in size, at the southern portion of the Route 28 Corridor is inappropriate according to the County's

adopted Comprehensive Plan. The RGP designates the Route 28 Corridor as suitable for three total Mixed-Use Office Centers: one at the north, middle, and southern portions of the corridor. Each center would contain at least 50 acres, but no more than 90 acres. Dulles World Center (ZMAP-2008-0018) is the County's approved 60-acre mixed-use center at the southern portion of the corridor.

3. The proposed rezoning would have negative fiscal impacts due to the conversion of commercially zoned land to two single-use residential zoning districts and a mixed-used district with substantial residential. With the introduction of significant residential uses, the corresponding reduction of approved commercial development proposed with this application does not preserve commercial land for employment uses and business growth as called for in the Revised General Plan (RGP). The RGP precludes residential development within this portion of the Route 28 Tax District as a means to preserve the ability of the district to generate revenue from commercial development that is earmarked for Route 28 roadway improvements.
4. The County's capital improvements plan, budget, and land use plan have neither anticipated nor programmed additional school capacity and other public facilities necessary to serve the additional population growth of almost 5,000 residents that would be generated by converting portions of the subject property from commercial property to residential development under the PD-TC, PD-H4, and PD-H6 zoning districts. County revenues required to pay the capital and operational costs for the full range of public services necessary to support unanticipated residential development have not been identified.
5. The Applicant's proffered capital facilities contribution fails to mitigate the capital impacts of the residential component of the proposed rezoning.
6. The proposed residential zoning districts are incompatible with existing adjacent flex-industrial and warehouse land uses and would have a negative economic impact upon these uses.
7. The existing I-1 (Industrial) zoning district on the south side of Old Ox Road allows a reasonable use of the property, as the quarry has operated in that location for fifty years. The existing PD-RDP zoning (Planned Development – Research Development Park) of the subject property on the north side of Old Ox Road is in conformance with the Comprehensive Plan and provides a reasonable use of the property.
8. The proposed PD-TC (Planned Development – Town Center) zoning district does not comply with the Revised 1993 Zoning Ordinance requirement that PD-TC districts shall be served by major collectors or arterials with capacity to handle the traffic generated. Shaw Road, a minor collector, would minimally serve the proposed PD-TC district.
9. The proposal to locate a 96-acre PD-TC (Planned Development – Town Center) zoning district adjacent to the approved 60-acre Dulles World Town Center does not comply with the Revised 1993 Zoning Ordinance requirements that a Town Center

shall be no less than thirty (30) acres nor more than sixty (60) acres in size, and no Town Center district shall be located within 10,000 feet of another Town Center. The rezoning would result in a combined 156-acre Town Center at the southern portion of the Route 28 Corridor. Such a large town center conflicts with the district's purpose of providing a compact, walkable, pedestrian-friendly development.

10. The proposed zoning modifications of the PD-TC (Planned Development – Town Center) zoning district regulations regarding district size, land assembly, location building and parking setbacks, do not meet the purpose and requirements of the zoning district as described in the Revised 1993 Zoning Ordinance. The proposed modifications will not achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulation.
11. The application does not currently demonstrate consistency with the Countywide Transportation Plan policy that development of each phase of a project cannot occur until roadways and intersections have been improved to a Level of Service (LOS) D or better.

VI. ATTACHMENTS		PAGE NUMBER
1	Review Agency Comments	
1a	Planning, Comprehensive Planning	A-1
1b	Building and Development, Zoning Administration	A-42
1c	Building and Development, Plans Review	A-92
1d	Planning, Community Information and Outreach	A-96
1e	Parks, Recreation and Community Services	A-101
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1l	Proffer Referral Team (Capital Budget Manager)	A-188
1m	Town of Herndon - Letters to Board of Supervisors (07-10-12, 07-10-13)	A-197
1n	Fairfax County Department of Transportations and Park Authority	A-207
2	Statement of Justification	A-211
3	Response to Referral Comments	A-258
4	Transportation Exhibit	A-320
5	Integration Exhibit with Dulles World Center	A-321
6	Draft Proffer Statement (12-18-13)	A-322
7	Draft Design Guidelines	A-360
8	Concept Development Plan (12-18-13)	A-406
*This Staff Report with attachments (file name PCPH STAFF REPORT 04-15-14.PDF) can be viewed online on the Loudoun Online Land Applications System (LOLA) at www.loudoun.gov . Paper copies are also available in the Department of Planning.		